

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JULY 1, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 48

HOUSE OF REPRESENTATIVES

The House convened at 2:45 p.m., e.d.t.

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

PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you. Let us pray:

Almighty, all-wise, and everlasting God, once again we come boldly to that throne of grace to seek Your wisdom and Your understanding and Your patience during some troubling times, for indeed these are the times when men's souls are being tried. But we know that in spite of what might be ahead, in spite of the difficult hours or maybe even days ahead of us, that You are in control of everything. And we are not indecisive about our decisions which must be made that impact upon the lives of those in the Commonwealth of Pennsylvania. However, we do ask that You will guide us during these difficult decisions and make sure that we make the right decisions for all the people.

We pray that You will be a lamp unto our feet and that You will light our pathway during the days ahead. And we know that You are a giver of every good and perfect gift, so give us strength when we appear weak and hope whenever things seem to be in doubt.

Bless the members of this House; bless their families.

As we are required to make some difficult decisions, we know that these are the times when men's souls are being tried. So do provide us special understanding, sensitivity in dealing with all of the individual concerns. We have assurance from You that You do all things well and that we can trust in You and never doubt, and that is exactly what we are doing during this budgetary processing. We are trusting in You to help us to bring things out all right. Strengthen our bodies that we may not grow weary, strengthen our minds that we might not be unfocused, and strengthen our tempers that we might remain patient during the positive upbeats.

We thank You, and we give glory and honor unto You, for Thine is Thy kingdom and the power and the glory forever. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, June 30, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2754 By Representatives PISTELLA, BEBKO-JONES, BIANCUCCI, DALEY, GERGELY, HERSHEY, HORSEY, JAMES, LEDERER, MARKOSEK, READSHAW, SCRIMENTI, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, WASHINGTON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "central registry" and "habitual driving under influence offender" or "habitual DUI offender;" and providing for registration of habitual driving under influence offenders.

Referred to Committee on TRANSPORTATION, July 1, 2004.

No. 2755 By Representatives HANNA, ARMSTRONG, BENNINGHOFF, CLYMER, DeLUCA, FABRIZIO, GOOD, GOODMAN, GRUCELA, HALUSKA, KOTIK, LEWIS, R. MILLER, MUNDY, O'NEILL, SANTONI, SHANER, TIGUE, DALEY and GERGELY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring charter schools to be subject to the limitations on certain unreserved fund balances.

Referred to Committee on EDUCATION, July 1, 2004.

No. 2765 By Representatives KENNEY, J. TAYLOR, PERZEL, O'BRIEN, OLIVER, CRUZ, YOUNGBLOOD, BUTKOVITZ, HORSEY, LEDERER and McGEEHAN

An Act providing for definitions, for collection of cash deposits by city natural gas distribution operations as a condition of provision or reconnection of services and for procedures for notice of termination of utility service; authorizing the Pennsylvania Public Utility Commission to mediate payment agreements and accept customer complaints; providing for landlord duties, for tax increment districts and keystone opportunity zones, for reporting of delinquent customers and for reporting of recipients of public assistance; and abrogating certain regulations and ordinances of first class cities relating to public utilities.

Referred to Committee on CONSUMER AFFAIRS, July 1, 2004.

No. 2780 By Representatives PETRI, BROWNE, CRAHALLA, GILLESPIE, GINGRICH, MILLARD, PALLONE, TANGRETTI, E. Z. TAYLOR, YOUNGBLOOD and O'NEILL

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for liquor importers' licenses.

Referred to Committee on LIQUOR CONTROL, July 1, 2004.

No. 2781 By Representatives PETRI, BELFANTI, CRAHALLA, CURRY, DALEY, DeWEESE, HERSHEY, O'NEILL, PAYNE and E. Z. TAYLOR

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for liquor importers' licenses.

Referred to Committee on LIQUOR CONTROL, July 1, 2004.

No. 2782 By Representatives STERN, PHILLIPS, LEDERER, R. STEVENSON, GEIST, BARRAR, ARMSTRONG, SCAVELLO, GEORGE, BELFANTI, O'NEILL, GOODMAN, COLEMAN, WEBER, STEIL, YOUNGBLOOD, STABACK, TIGUE, HORSEY, TRUE, GILLESPIE, GOOD, McCALL, E. Z. TAYLOR and BOYD

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

Referred to Committee on JUDICIARY, July 1, 2004.

No. 2783 By Representatives GRUCELA, SURRA, SHANER, FABRIZIO, ARMSTRONG, BASTIAN, BELFANTI, CAPPELLI, DALEY, DALLY, GEORGE, GOODMAN, HALUSKA, HARHAI, HORSEY, JAMES, LAUGHLIN, LEACH, LEDERER, McCALL, REICHLEY, SCAVELLO, SOLOBAY, TANGRETTI, THOMAS, TIGUE, TRAVAGLIO, WASHINGTON, YUDICHAK, SCHRODER, DeWEESE, KIRKLAND and GERGELY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for teacher qualification.

Referred to Committee on EDUCATION, July 1, 2004.

No. 2784 By Representatives GRUCELA, ARMSTRONG, FABRIZIO, GEORGE, GOODMAN, HERSHEY, McILHATTAN, REICHLEY, TANGRETTI, WASHINGTON, GERGELY, FREEMAN and DALEY

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for definitions; establishing the Extraordinary Claim Against Property Grants Program; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, July 1, 2004.

No. 2785 By Representatives PETRI, ADOLPH, BASTIAN, BELFANTI, BENNINGHOFF, BUNT, CAPPELLI, CIVERA, CRAHALLA, FEESE, FREEMAN, GOOD, GOODMAN, HENNESSEY, HERSHEY, JAMES, KENNEY, LEVDANSKY, MARSICO, McCALL, McGEEHAN, McILHINNEY, O'NEILL, READSHAW, STABACK, J. TAYLOR, THOMAS, WALKO, YUDICHAK, GRUCELA, WATSON, PETRARCA and CORRIGAN

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for outsourcing.

Referred to Committee on STATE GOVERNMENT, July 1, 2004.

No. 2786 By Representatives PETRI, ADOLPH, BASTIAN, BELFANTI, BENNINGHOFF, BUNT, CAPPELLI, CIVERA, CRAHALLA, FEESE, FREEMAN, GEORGE, GOOD, GOODMAN, HENNESSEY, HERSHEY, JAMES, KENNEY, LEVDANSKY, MARSICO, McCALL, McGEEHAN, McILHINNEY, O'NEILL, READSHAW, STABACK, J. TAYLOR, THOMAS, WALKO, YUDICHAK, GRUCELA, WATSON, CORRIGAN and PETRARCA

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for outsourcing.

Referred to Committee on STATE GOVERNMENT, July 1, 2004.

No. 2787 By Representatives PETRI, ADOLPH, BASTIAN, BELFANTI, BENNINGHOFF, BUNT, CAPPELLI, CIVERA, CRAHALLA, FEESE, FREEMAN, GEORGE, GOOD, GOODMAN, HENNESSEY, HERSHEY, JAMES, KENNEY, LEVDANSKY, MARSICO, McCALL, McGEEHAN, McILHINNEY, O'NEILL, READSHAW, STABACK, J. TAYLOR, THOMAS, WALKO, YUDICHAK, GRUCELA, WATSON, CORRIGAN and PETRARCA

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for outsourcing.

Referred to Committee on STATE GOVERNMENT, July 1, 2004.

No. 2788 By Representatives LESCOVITZ, BEBKO-JONES, BELFANTI, BOYD, BROWNE, CRAHALLA, CRUZ, DeLUCA, GEIST, GEORGE, GOODMAN, GRUCELA, HORSEY, LAUGHLIN, McCALL, PISTELLA, STABACK, THOMAS, YOUNGBLOOD, HARRIS, JAMES, MANN, MUNDY, SOLOBAY, TANGRETTI and WALKO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful transmission of electronic mail; and providing for misuse of adware or spyware.

Referred to Committee on CONSUMER AFFAIRS, July 1, 2004.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 822 By Representatives GANNON, HARHART, BARRAR, ARGALL, BOYD, CIVERA, DENLINGER, DIGIROLAMO, FAIRCHILD, FICHTER, GEIST, GINGRICH, HERSHEY, KILLION, MARSICO, MCGILL, O'NEILL, PAYNE, PERZEL, RAYMOND, SAYLOR, SCAVELLO, SEMMEL, SOLOBAY, E. Z. TAYLOR, J. TAYLOR, TIGUE, ZUG, J. EVANS, BALDWIN, MAJOR, DALLY, GOOD, TRUE, T. STEVENSON, NAILOR, WEBER, ADOLPH, LEWIS, HENNESSEY, PHILLIPS, MICOZZIE, BENNINGHOFF and BASTIAN

A Resolution urging the President and Congress of the United States to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

Referred to Committee on RULES, July 1, 2004.

No. 823 By Representatives RAYMOND, CIVERA and KILLION

A Resolution establishing the Commission on the Future of the Philadelphia, Pittsburgh and Harrisburg International Airports and the Southeastern Pennsylvania Transportation Authority.

Referred to Committee on RULES, July 1, 2004.

No. 826 By Representatives WASHINGTON, FRANKEL, DeWEESE, ROEBUCK, D. EVANS, HORSEY, JAMES, JOSEPHS, KIRKLAND, PISTELLA, THOMAS and YOUNGBLOOD

A Resolution commending the Department of Justice for opening a criminal investigation into the 1955 murder of Emmett Till in Mississippi.

Referred to Committee on JUDICIARY, July 1, 2004.

SENATE BILLS FOR CONCURRENCE

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

SB 1155, PN 1682

Referred to Committee on FINANCE, July 1, 2004.

SB 1160, PN 1696

Referred to Committee on STATE GOVERNMENT, July 1, 2004.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table: HB 357 and HB 486.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be placed on the table: HB 357 and HB 486.

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

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of the following actuarial note: HB 2748, PN 4161.

(Copy of actuarial note is on file with the Journal clerk.)

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1095 be removed 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 1095, PN 1565.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1095 be recommended to the Committee on Appropriations.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.
The minority whip requests a leave of absence for the day for the gentleman from Lancaster, Mr. STURLA. Without objection, that leave will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—202

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Sturla

LEAVES ADDED—5

Creighton	Dally	Gannon	Manderino
Costa			

LEAVES CANCELED—4

Creighton	Costa	Dally	Sturla
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CALENDAR

RESOLUTION

Mr. PETRI called up **HR 819, PN 4211**, entitled:

A Resolution directing the Consumer Affairs Committee to study financial problems of Philadelphia Gas Works.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED-1

Sturla

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 850, PN 3978**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; and making editorial changes.

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

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

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

Mr. VITALI. Mr. Speaker, would the prime sponsor give us a brief explanation of the bill?

The SPEAKER. Just one moment, Mr. Vitali.

Mr. Coy, did the Democrats have a chance to caucus on this bill?

Mr. Vitali, the gentleman, Mr. Coy, indicates that you had a caucus on this bill, and it is marked that both sides caucused on the bill, and questions like those should have been asked in caucus. But if you wish to ask the question, we will ask the gentleman, Mr. Steil, to stand and answer any question you might have.

Mr. VITALI. Thank you, Mr. Speaker. My question stands.

The SPEAKER. Excuse me, but, Mr. Steil, yesterday we had a long discussion on dilatory, so, Mr. Steil, please answer the question, but there is a question dilatory.

Mr. STEIL. Thank you, Mr. Speaker. I shall try not to be dilatory.

What this bill does is conform many provisions of the second-class and second-class-A county code to provisions that are already included in the third- through eighth-class county code. Primarily, it has to do with procurement requirements under that code.

Mr. VITALI. Thank you, Mr. Speaker. No further questions.

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-202

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

NAYS-0

NOT VOTING-0

EXCUSED-1

Sturla

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 2606, PN 3847**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for removal of vehicles from certain accident scenes where no serious personal injury has occurred.

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—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Sturla

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

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

* * *

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

The House proceeded to third consideration of **HB 2036, PN 4166**, entitled:

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

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

Mr. **KENNEY** offered the following amendment No. **A2950**:

Amend Sec. 1 (Chapter Analysis), page 42, line 7, by striking out "CARE"

Amend Sec. 1 (Chapter Analysis), page 42, line 8, by striking out "CARE"

Amend Sec. 1 (Sec. 5801), page 42 line 22, by striking out "CARE DECLARATIONS AND MENTAL HEALTH CARE" and inserting

declarations and mental health

Amend Sec. 1 (Sec. 5802), page 43, line 15, by striking out "CARE"

Amend Sec. 1 (Sec. 5802), page 43, line 16, by striking out "CARE"

Amend Sec. 1 (Sec. 5802), page 43, line 28, by striking out "CARE"

Amend Sec. 1 (Sec. 5804), page 45, line 14, by inserting after "AGENT."

While the transfer is pending, the patient shall be treated consistent with the advance directive. If reasonable efforts to transfer fail, the patient may be discharged.

Amend Sec. 1 (Sec. 5805), page 45, line 28, by striking out "CARE"

Amend Sec. 1 (Sec. 5805), page 46, by inserting between lines 17 and 18

(8) Failing to determine that a patient lacks capacity to make mental health decisions for the purposes of this act.

Amend Sec. 1 (Sec. 5805), page 46, line 24, by striking out “CARE”

Amend Sec. 1 (Sec. 5806), page 47, line 4, by striking out “CARE”

Amend Sec. 1 (Sec. 5806), page 47, line 10, by striking out “CARE”

Amend Sec. 1 (Sec. 5806), page 47, line 15, by inserting after “A”

mental health

Amend Sec. 1 (Sec. 5807), page 47, line 19, by inserting after “A”

mental health

Amend Sec. 1 (Sec. 5807), page 47, line 21, by striking out “PERSONS” and inserting

For the purposes of this act, persons

Amend Sec. 1 (Sec. 5807), page 47, line 22, by inserting after “DECISIONS”

, including the execution of a mental health declaration or power of attorney,

Amend Sec. 1 (Sec. 5807), page 48, line 1, by inserting after “OR”

mental health

Amend Sec. 1 (Sec. 5807), page 48, line 3, by inserting after “OR”

mental health

Amend Sec. 1 (Sec. 5807), page 48, line 21, by inserting after “BASED”

solely

Amend Sec. 1 (Sec. 5807), page 48, line 22, by striking out “, ABSENCE OR CONTENTS” and inserting

or absence

Amend Sec. 1 (Sec. 5808), page 48, line 24, by striking out “CARE”

Amend Sec. 1 (Sec. 5808), page 48, line 25, by striking out “CARE”

Amend Sec. 1 (Sec. 5808), page 48, line 26, by striking out “CARE”

Amend Sec. 1 (Sec. 5808), page 48, line 28, by striking out “CARE”

Amend Sec. 1 (Sec. 5808), page 49, lines 12 and 13, by striking out “MENTAL HEALTH CARE DOES NOT INCLUDE ELECTROCONVULSIVE THERAPY,” and inserting Electroconvulsive therapy may be administered only if I have specifically consented to it in this document. I will be the subject of

Amend Sec. 1 (Sec. 5808), page 49, line 14, by removing the period after “RESEARCH” and inserting

only if specifically provided for in this document.

Amend Sec. 1 (Sec. 5808), page 49, line 22, by striking out “CARE”

Amend Sec. 1 (Sec. 5808), page 50, line 17, by inserting after “EXCEPTION”

, preference

Amend Sec. 1 (Sec. 5808), page 50, line 18, by inserting after “EXCEPTION”

, preference

Amend Sec. 1 (Sec. 5808), page 52, lines 4 and 5, by striking out all of said lines

Amend Sec. 1 (Sec. 5808), page 52, line 19, by striking out “CARE”

Amend Sec. 1 (Sec. 5808), page 53, line 13, by striking out “CARE”

Amend Sec. 1 (Subchapter Heading), page 57, line 10, by striking out “CARE”

Amend Sec. 1 (Sec. 5821), page 57, line 20, by striking out “CARE”

Amend Sec. 1 (Sec. 5822), page 57, line 26, by striking out “SECTION 301” and inserting

Article III

Amend Sec. 1 (Sec. 5823), page 58, line 22, by striking out “CARE”

Amend Sec. 1 (Sec. 5823), page 58, lines 29 and 30, by striking out “MENTAL HEALTH CARE DOES NOT INCLUDE ELECTROCONVULSIVE THERAPY,” and inserting

Electroconvulsive therapy may be administered only if I have specifically consented to it in this document. I will be the subject of

Amend Sec. 1 (Sec. 5823), page 59, line 1, by striking out “UNLESS” and inserting

only if

Amend Sec. 1 (Sec. 5823), page 60, line 2, by inserting after “EXCEPTION”

, preference

Amend Sec. 1 (Sec. 5823), page 60, line 3, by inserting after “EXCEPTION”

, preference

Amend Sec. 1 (Sec. 5823), page 61, lines 7 and 8, by striking out all of said lines

Amend Sec. 1 (Sec. 5825), page 63, lines 24 through 28, by striking out all of said lines and inserting

(a) When declaration may be revoked.—A declaration may be revoked by the declarant at any time, either orally or in writing in whole or in part unless the individual has been found to be incapable of making mental health decisions or the individual has been involuntarily committed.

(b) Capacity to revoke.—Subsection (a) notwithstanding, during a period of involuntary commitment pursuant to Article III of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, a declarant may revoke the declaration only if found to be capable of making mental health decisions after examination by a psychiatrist and one of the following: another psychiatrist, a psychologist, family physician, attending physician or mental treatment professional. Whenever possible, at least one of the decision makers shall be a treating professional of the declarant or principal.

Amend Sec. 1 (Sec. 5825), page 63, line 29, by striking out “(B)” and inserting

(c)

Amend Sec. 1 (Sec. 5825), page 64, line 3, by striking out “(C)” and inserting

(d)

Amend Sec. 1 (Sec. 5825), page 64, line 4, by inserting after “REVOCATION”

, a finding of capacity

Amend Sec. 1 (Sec. 5826), page 64, line 7, by inserting before “WHILE”

(a) Capacity to amend.—

Amend Sec. 1 (Sec. 5826), page 64, by inserting between lines 10 and 11

(b) Determination of capacity.—During the period of involuntary treatment pursuant to Article III of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, a declarant may amend the declaration if the individual is found to be capable of making mental health decisions after examination by a psychiatrist and one of the following: another psychiatrist, a psychologist, family physician, attending physician or mental health treatment professional. Whenever possible, at least one of the decision makers shall be a treating professional of the declarant or principal.

Amend Sec. 1 (Subchapter Heading), page 64, line 12, by striking out “CARE”

Amend Sec. 1 (Sec. 5832), page 65, line 9, by striking out “SECTION 302” and inserting

Article III

Amend Sec. 1 (Sec. 5832), page 65, line 11, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5832), page 65, line 14, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5832), page 65, line 21, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5832), page 65, line 23, by inserting after
“THE”
mental health

Amend Sec. 1 (Sec. 5832), page 65, line 25, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5833), page 65, line 29, by striking out
“CARE”

Amend Sec. 1 (Sec. 5833), page 66, line 6, by striking out
“CARE”

Amend Sec. 1 (Sec. 5833), page 66, line 14, by striking out
“5841” and inserting
5511

Amend Sec. 1 (Sec. 5833), page 66, lines 14 through 16, by
striking out “RELATION OF MENTAL” in line 14, all of lines 15
and 16 and inserting
appointment of guardian).

Amend Sec. 1 (Sec.5833), page 66, line 21, by striking out
“CARE”

Amend Sec. 1 (Sec. 5833), page 66, line 27, by striking out
“CARE”

Amend Sec. 1 (Sec. 5833), page 67, lines 8 and 9, by striking out
“MENTAL HEALTH CARE DOES NOT INCLUDE
ELECTROCONVULSIVE THERAPY,” and inserting
Electroconvulsive therapy may be administered
only if I have specifically consented to it in this
document. I will be the subject of

Amend Sec. 1 (Sec. 5833), page 67, line 10, by striking out
“, UNLESS” and inserting
only if

Amend Sec. 1 (Sec. 5833), page 70, line 30; page 71, line 1, by
striking out all of said lines on said pages

Amend Sec. 1 (Sec. 5833), page 71, line 15, by striking out
“CARE”

Amend Sec. 1 (Sec. 5834), page 72, line 20, by striking out
“CARE”

Amend Sec. 1 (Sec. 5834), page 72, line 26, by striking out
“CARE”

Amend Sec. 1 (Sec. 5834), page 72, line 28, by striking out
“CARE”

Amend Sec. 1 (Sec. 5834), page 72, line 30, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5834), page 73, line 2, by inserting after “A”
mental health

Amend Sec. 1 (Sec. 5834), page 73, line 4, by inserting after
“THE”
mental health

Amend Sec. 1 (Sec. 5835), page 73, line 12, by striking out
“CARE”

Amend Sec. 1 (Sec. 5836), page 73, line 25, by striking out
“CARE”

Amend Sec. 1 (Sec. 5836), page 73, line 30, by striking out
“CARE”

Amend Sec. 1 (Sec. 5836), page 74 , line 4, by striking out
“CARE”

Amend Sec. 1 (Sec. 5836), page 74 , line 24, by striking out
“CARE”

Amend Sec. 1 (Sec. 5837), page 75, line 13, by inserting after
“A”
mental

Amend Sec. 1 (Sec. 5837), page 75, line 13, by striking out
“CAN” and inserting
may

Amend Sec. 1 (Sec. 5837), page 75, line 16, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5837), page 75, line 24, by inserting after
“THE” where it appears the first time
mental health

Amend Sec. 1 (Sec. 5837), page 75, line 29, by inserting after
“A”
mental health

Amend Sec. 1 (Sec. 5838), page 76, line 10, by striking out
“CARE”

Amend Sec. 1 (Sec. 5839), page 76, lines 15 through 21, by
striking out all of said lines and inserting
(a) When a mental health power of attorney may be revoked.—
A mental health power of attorney may be revoked by the principal at
any time, either orally or in writing in whole or in part, unless the
principal has been found to be incapable of making mental health
treatment decisions or the principal has been involuntarily committed.

(b) Capacity to revoke.—Notwithstanding subsection (a), during a
period of involuntary commitment pursuant to Article III of the act of
July 9, 1976 (P.L.817, No.143), known as the Mental Health
Procedures Act, a principal may revoke the mental health power of
attorney only if found to be capable of making mental health decisions
after examination by a psychiatrist and one of the following: another
psychiatrist, a psychologist, a family physician, an attending physician
or a mental health treatment professional. Whenever possible, at least
one of the decision makers shall be a treating professional of the
declarant or principal.

Amend Sec. 1 (Sec. 5839), page 76, line 22, by striking out “(B)”
and inserting
(c)

Amend Sec. 1 (Sec. 5839), page 76, line 26, by striking out “(C)”
and inserting
(d)

Amend Sec. 1 (Sec. 5839), page 76, line 27, by inserting after
“REVOCATION”
or a finding of capacity

Amend Sec. 1 (Sec. 5839), page 76, line 29, by striking out “(D)”
and inserting
(e)

Amend Sec. 1 (Sec. 5839), page 76, line 29, by striking out
“CARE”

Amend Sec. 1 (Sec. 5839), page 77, line 1, by striking out
“CARE”

Amend Sec. 1 (Sec. 5839), page 77, line 3, by striking out “(E)”
and inserting
(f)

Amend Sec. 1 (Sec. 5839), page 77, line 4, by striking out
“CARE”

Amend Sec. 1 (Sec. 5840), page 77 , line 9, by striking out
“CARE”

Amend Sec. 1 (Sec. 5841), page 77, line 23, by striking out
“CARE”

Amend Sec. 1 (Sec. 5841), page 77, line 25, by inserting after
“THE”
mental health

Amend Sec. 1 (Sec. 5841), page 77, line 30, by inserting after
“THE” where it appears the first time
mental health

Amend Sec. 1 (Sec. 5841), page 78, line 7, by striking out
“CARE”

Amend Sec. 1 (Sec. 5842), page 78, line 17, by striking out “CARE”

Amend Sec. 1 (Sec. 5842), page 78, line 24, by striking out “CARE”

Amend Sec. 1 (Sec. 5842), page 78, line 25, by striking out “CARE”

Amend Sec. 1 (Sec. 5842), page 78, line 30, by striking out “CARE”

Amend Sec. 1 (Sec. 5843), page 80, by inserting after line 30

(d) Legal remedies.—Nothing in this act shall prohibit an interested party from using the same legal remedies that are otherwise available to seek a determination from the courts including invalidation of some or all of the declaration or the mental health power of attorney, in cases of potential irreparable harm or death. The courts shall have 72 hours from the time of application for remedy in which to make this determination.

Amend Sec. 1 (Sec. 5844), page 81, line 1, by striking out “CARE”

Amend Sec. 1 (Sec. 5844), page 81, line 2, by striking out “CARE”

Amend Sec. 1 (Sec. 5844), page 81, line 3, by striking out “CARE”

Amend Sec. 1 (Sec. 5845), page 81, line 9, by striking out “MENTAL”

Amend Sec. 1 (Sec. 5845), page 81, line 10, by striking out “CARE”

Amend Sec. 1 (Sec. 5845), page 81, line 14, by striking out “CARE”

Amend Bill, page 81, by inserting between lines 17 and 18

Section 2. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 2, page 81, line 18, by striking out “2” and inserting 3

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

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

Mr. KENNEY. Thank you, Madam Speaker.

Madam Speaker, with the addition of this amendment to HB 2036, this will provide for documentation of a mental health advance directive, a statement of an individual’s treatment and service preferences. It can also assign decisionmaking authority to another person who can act on the writer’s behalf during times of incapacitation.

When implemented, advance directives will do the following: They will promote individual autonomy and empowerment, which are key to seeking mental health treatment and recovery for a mental illness; enhance communication between those individuals and their families, friends, health-care providers, and other professionals concerning mental health issues; protect individuals from ineffective, unwanted, or possibly harmful treatments or actions; help prevent crises, involuntary treatment, or traumatic interventions such as restraint or seclusion; allow for treatment not specified in the directive to be given during an emergency crisis, such as during the first few hours at initial intake in an involuntary commitment, in order to prevent harm.

Madam Speaker, I ask that the House join me in standing up for those with mental health issues and working with them toward treatment and recovery and ask for an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

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.	Surra
Buxton	Gruitza	Miller, S.	Tangretti
Caltagirone	Habay	Mundy	Taylor, E. Z.
Cappelli	Haluska	Mustio	Taylor, J.
Causer	Hanna	Myers	Thomas
Cawley	Harhai	Nailor	Tigue
Civera	Harhart	Nickol	Travaglio
Clymer	Harper	O’Brien	True
Cohen	Harris	Oliver	Turzai
Coleman	Hasay	O’Neill	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	Hutchinson	Pistella	Watson
Curry	James	Preston	Weber
Dailey	Josephs	Raymond	Wheatley
Daley	Keller	Readshaw	Williams
Dally	Kenney	Reed	Wilt
DeLuca	Killion	Reichley	Wojnarowski
Denlinger	Kirkland	Rieger	Wright
Dermody	Kotik	Roberts	Yewcic
DeWeese	LaGrotta	Roebuck	Youngblood
DiGirolamo	Laughlin	Rohrer	Yudichak
Diven	Leach	Rooney	Zug
Donatucci	Lederer	Ross	
Eachus	Leh	Rubley	
Egolf	Lescovitz	Ruffing	Perzel, Speaker
Evans, D.	Levdansky		

NAYS—2

Casorio	Pallone
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NOT VOTING—0

EXCUSED—1

Sturla

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Philadelphia, Mr. Kenney, on final passage.

Mr. KENNEY. Thank you, Madam Speaker.

Just briefly, Madam Speaker, this piece of legislation took a lot of hard work, a lot of effort. I want to thank staff Sharon Cole, Melanie Brown, Chairman Oliver, and all the members of the Health and Human Services Committee for standing up for those battling mental illness and giving them a voice in their treatment and recovery.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Sturla

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

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

* * *

The House proceeded to third consideration of **SB 137, PN 1711**, entitled:

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

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

Mr. **REICHLEY** offered the following amendment No. **A2492**:

Amend Sec. 1 (Sec. 1.1), page 5, by inserting between lines 7 and 8

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

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Adams County— The gentleman, Mr. Reichley, is recognized for the purpose of an amendment.

Mr. REICHLEY. Thank you, Madam Speaker.

This amendment brings into compliance the Senate bill to make it the same as, I think it was HB 826 from Representative Maitland that we approved a few weeks ago. This will make the language of the Senate bill identical to the House and, therefore, resolve any conflict between the two pieces.

Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Adams County, Mr. Maitland.

Mr. MAITLAND. Thank you, Madam Speaker.

This Senate bill is identical to HB 826, which the House passed 199 to zero on June 8, and the subject matter deals with the voluntary inpatient mental health treatment of adolescents between the ages of 14 and 18.

By adoption of the Reichley amendment and passage of the Senate bill, we will have basically the same legislation as HB 826 was when it left the House, and the reason we are doing the Senate bill is that we can get this enacted into law much sooner than HB 826 over in the Senate. It would take another 3 or 4 months to get the House bill enacted, and our children deserve this problem to be solved faster. So I would urge adoption of the Reichley amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Sturla

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. VITALI offered the following amendment No. **A2506**:

Amend Sec. 1 (Sec. 1.1), page 3, lines 23 through 25, by striking out all of said lines and inserting eighteen years of age who objects to inpatient treatment consented to by a parent or legal guardian may file a petition in

Amend Sec. 1 (Sec. 1.1), page 4, line 3, by striking out “For inpatient treatment to continue” and inserting “If the minor files the petition prior to confinement for inpatient treatment, the minor shall not be so confined unless the court orders inpatient treatment. For inpatient treatment to commence or continue

Amend Sec. 1 (Sec. 1.1), page 4, line 9, by inserting after “is” scheduled or

Amend Sec. 1 (Sec. 1.3), page 7, line 25, by striking out “1.1(B)(7)” and inserting 1.1(b)(8)

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

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

Mr. VITALI. Madam Speaker, could I run my other amendment, 2507, first?

On the question recurring,

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

Mr. VITALI offered the following amendment No. **A2507**:

Amend Sec. 1 (Sec. 1.1), page 2, line 15, by inserting after “physician”

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

Amend Sec. 1 (Sec. 1.1), page 2, line 16, by removing the period after “necessary” and inserting

: provided, however, for inpatient treatment to commence against the minor’s wishes, the physician shall:

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

(ii) find that the disorder is treatable;

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

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

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

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Madam Speaker.

By way of background, what this bill does in part is allows a minor who is not a threat to himself or others to be placed in inpatient treatment against his will if his parent and a physician agree to this. That is actually a fairly, I think, serious deprivation of a person’s right to freedom and liberty.

To soften that just a bit, what this amendment does is require, A, that that physician be a psychiatrist or psychologist; and B, state in writing the following: one, the minor has a diagnosed mental disorder; two, the disorder is treatable; three, the disorder requires inpatient treatment; and four, describe the type inpatient treatment appropriate. The point is just to cause the physician to pause a bit before he consents to this reduction in liberty.

I do not think it is a gross burden to be placed on the physician or parent seeking to have their child, who is not a danger to himself or others, incarcerated against their will, to be placed in custody against their will, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Adams County, Mr. Maitland, on the amendment.

Mr. MAITLAND. Thank you, Madam Speaker.

I would ask the members to defeat this amendment.

First, the least restrictive possible setting is the standard of care of psychiatry and psychology today. So a psychiatrist is not going to recommend inpatient treatment if outpatient or partial hospitalization is a viable option.

Secondly, the gentleman’s amendment expands the admitting privileges beyond the scope and practice of licensed psychologists. Currently, psychologists do not admit patients to hospitals, and his amendment would permit that, and that is just a fatal flaw to his amendment.

So as we did on June 8, I would ask the members to defeat this amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Tigie, on the amendment.

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, I would like to interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. TIGUE. Madam Speaker, the amendment would require these steps taken for minors involuntarily admitted. How does this differ from what would be required for the involuntary admission of people who are over 18?

Mr. VITALI. I am not an expert in this area, but I do not believe you can involuntarily commit someone over the age of 18 unless there is a hearing and at that hearing it is determined that that adult is a danger to himself or others.

I want to make the speaker clear, we are dealing now with the situation where you have someone who is a minor and he is not a danger to himself or others, but his parent wants him confined in inpatient treatment.

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, may I speak on the amendment, please?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, I am concerned about the amendment because I do not have a clear understanding and I have not received a very definitive answer, but there is a situation which has come to our attention over and over where young people whose parents cannot control them have not been able to get them into a situation where they can receive the proper care. That is why I would support the bill. I see no reason, at this point at least, to support the amendment. I think that the safeguards are enough to provide for a safety net, if you will, for that minor who is involuntarily committed, and I think the parents should have that right.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, is recognized on the amendment for the second time.

Mr. VITALI. Madam Speaker, before I begin, I just want to make sure that there are no other people who indicate they want to comment. I would appreciate the courtesy of the final remarks on my amendment.

The SPEAKER pro tempore. Is the gentleman, Mr. Maitland, seeking recognition?

Mr. VITALI. Thank you, Madam Speaker.

I just wanted to address the comments of the maker of that companion House bill. We are not giving psychologists any admitting privileges. That is not what my amendment does. The Maitland bill and the Mowery bill say, state, provide, that a minor can be admitted if the physician and the parent jointly consent. All we are doing is saying that if they in fact do consent, they have to go beyond a mere oral consent and spell out in writing the four things we have provided. So I think we are contracting what the gentleman is trying to do, not expanding it. We are not giving psychologists, in particular, any right to admit – any right to admit.

Thank you, Madam Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—55

Bebko-Jones	Evans, D.	Laughlin	Roebuck
Belfanti	Fabrizio	Lescovitz	Rooney
Bishop	Frankel	McCall	Ruffing
Caltagirone	Freeman	McGeehan	Samuelson
Casorio	George	Mundy	Staback
Cohen	Gergely	Myers	Stetler
Costa	Haluska	Oliver	Travaglio
Curry	Harhai	Pallone	Veon
Daley	James	Petrone	Vitali
DeLuca	Josephs	Pistella	Washington
Dermody	Keller	Preston	Waters
DeWeese	Kirkland	Readshaw	Wojnaroski
Diven	Kotik	Rieger	Yewcic
Donatucci	LaGrotta	Roberts	

NAYS—146

Adolph	Evans, J.	Lynch	Saylor
Allen	Fairchild	Mackereth	Scavello
Argall	Feese	Maher	Schroder
Armstrong	Fichter	Maitland	Scrimenti
Baker	Fleagle	Major	Semmel
Baldwin	Flick	Manderino	Shaner
Bard	Forcier	Mann	Smith, B.
Barrar	Gabig	Markosek	Smith, S. H.
Bastian	Gannon	Marsico	Solobay
Belardi	Geist	McGill	Stairs
Benninghoff	Gillespie	McLhattan	Steil
Biancucci	Gingrich	McLhinney	Stern
Birmelin	Godshall	McNaughton	Stevenson, R.
Blaum	Good	Melio	Stevenson, T.
Boyd	Goodman	Metcalfe	Surra
Browne	Grucela	Micozzie	Tangretti
Bunt	Gruitza	Millard	Taylor, E. Z.
Butkovitz	Habay	Miller, R.	Taylor, J.
Buxton	Hanna	Miller, S.	Thomas
Cappelli	Harhart	Mustio	Tigue
Causar	Harper	Nailor	True
Cawley	Harris	Nickol	Turzai
Civera	Hasay	O'Brien	Vance
Clymer	Hennessey	O'Neil	Walko
Coleman	Herman	Payne	Wansacz
Cornell, S. E.	Hershey	Petrarca	Watson
Corrigan	Hess	Petri	Weber
Coy	Hickernell	Phillips	Wheatley
Crahalla	Horsey	Pickett	Williams
Creighton	Hutchinson	Raymond	Wilt
Cruz	Kenney	Reed	Wright
Dailey	Killion	Reichley	Youngblood
Dally	Leach	Rohrer	Yudichak
Denlinger	Lederer	Ross	Zug
DiGirolamo	Leh	Rubley	
Eachus	Levdansky	Santoni	Perzel,
Egolf	Lewis	Sather	Speaker

NOT VOTING—1

Sainato

EXCUSED—1

Sturla

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

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

AMENDMENT A2506 WITHDRAWN

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, have another amendment? The gentleman withdraws that 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Does the gentleman, Mr. Vitali, seek recognition?

Mr. VITALI. To speak on the bill.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Thank you, Madam Speaker.

I understand this thing is going to pass, but I just wanted to, and we have heard nothing but good things about it, but I just wanted to state for the record that the Juvenile Law Center in Philadelphia does in fact oppose this bill, and I just wanted to read for you some of the things they have written about— Actually, they were referring to a bill very similar, which was HB 826. But it says, “JLC opposes the involuntary inpatient commitment provisions...” in this bill “because they: (1) violate the due process and equal protection clauses of the United States Constitution, and (2) are contrary to what we know as best practice for the treatment of behavioral...disorders in adolescents.”

It also goes on to say that “Commitment to an inpatient facility is the most intrusive, most restrictive form of mental health treatment a person can undergo.” I am continuing the quote: “Institutionalized teenagers are subjected to such practices as strip searches, physical restraint, and seclusion.”

Madam Speaker, it is my hope that more thought is given to the rights of those under the age of 18 than has been given in this bill with regard to future actions by the legislature.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

Belfanti	Gannon	McGeehan	Smith, B.
Benninghoff	Geist	McGill	Smith, S. H.
Bianucci	George	McIlhattan	Solobay
Birmelin	Gergely	McIlhinney	Staback
Bishop	Gillespie	McNaughton	Stairs
Blaum	Gingrich	Melio	Steil
Boyd	Godshall	Metcalfe	Stern
Browne	Good	Micozzie	Stetler
Bunt	Goodman	Millard	Stevenson, R.
Butkovitz	Grucela	Miller, R.	Stevenson, T.
Buxton	Gruitza	Miller, S.	Surra
Caltagirone	Habay	Mundy	Tangretti
Cappelli	Haluska	Mustio	Taylor, E. Z.
Casorio	Hanna	Myers	Taylor, J.
Causler	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	Walko
Costa	Hess	Petri	Wansacz
Coy	Hickernell	Petrone	Washington
Crahalla	Horsey	Phillips	Waters
Creighton	Hutchinson	Pickett	Watson
Cruz	James	Pistella	Weber
Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wilt
DeLuca	Killion	Reed	Wojnaroski
Denlinger	Kirkland	Reichley	Wright
Dermody	Kotik	Rieger	Yewcic
DeWeese	LaGrotta	Roberts	Youngblood
DiGirolamo	Laughlin	Roebuck	Yudichak
Diven	Leach	Rohrer	Zug
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky		Speaker

NAYS-2

Curry Vitali

NOT VOTING-0

EXCUSED-1

Sturla

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

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

The House proceeded to third consideration of **SB 1100, PN 1573**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Please strike that vote.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill is over temporarily.

The House will be at ease.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

The House proceeded to third consideration of **SB 689, PN 1778**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development; providing for definitions, for collection of cash deposits by public utilities as a condition of provision or reconnection of services and for procedures for notice of termination of utility service; authorizing the Pennsylvania Public Utility Commission to mediate payment agreements and accept customer complaints; providing for landlord duties, for tax increment districts and keystone opportunity zones, for reporting of delinquent customers and for reporting of recipients of public assistance; and abrogating certain regulations and ordinances of first class cities relating to public utilities.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 689 be recommitted to the Committee on Appropriations.

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

The House proceeded to third consideration of **SB 1139, PN 1757**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions, for application of act, for adoption of regulations, for administration and enforcement, for changes in Uniform Construction Code and for exemptions.

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

The SPEAKER. The gentleman, Mr. Allen, offers the following amendment, which the clerk will read. Mr. Allen, which amendment is it that you would like to offer first?

Mr. ALLEN. 2978.

The SPEAKER. Amendment 2978. The clerk will read.

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

Mr. ALLEN offered the following amendment No. **A2978**:

Amend Bill, page 1, lines 11 through 19; pages 2 through 9, lines 1 through 30; page 10, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "agricultural building" and "utility and miscellaneous use structures" in section 103 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, are amended and the section is amended by adding definitions to read:

Section 103. Definitions.

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

"Addition." An extension or increase in floor area or height of a building or structure.

* * *

"Agricultural building." A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals[,] and a milk house. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

"Alteration." Any construction or renovation to an existing structure other than repair or addition.

* * *

"Recreational cabin." A structure which is:

- (1) utilized principally for recreational activity;
- (2) not utilized as a domicile or residence for any individual for any time period;
- (3) not utilized for commercial purposes;
- (4) not greater than two stories in height, excluding basement;
- (5) not utilized by the owner or any other person as a place of employment;
- (6) not a mailing address for bills and correspondence; and
- (7) not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

"Repair." The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

"Residential building." Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress which includes accessory structures.

* * *

"Utility and miscellaneous use structures." Buildings or structures of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators International, Inc., in any specific use group. The term includes carports, detached private garages, greenhouses and sheds having a

building area less than [500] 1,000 square feet. The term does not include swimming pools or spas.

Section 2. Section 104(b) of the act is amended and the section is amended by adding a subsection to read:

Section 104. Application.

* * *

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building;

(5) alterations to residential buildings which do not make structural changes or changes to means of egress, except as might be required by ordinances in effect pursuant to section 303(b)(1) or adopted pursuant to section 503. For purposes of this paragraph, a structural change does not include a minor framing change needed to replace existing windows or doors;

(6) repairs to residential buildings, except as might be required by ordinances in effect pursuant to section 303(b)(1) or adopted pursuant to section 503;

(7) any recreational cabin if:

(i) the cabin is equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters; and

(ii) the owner of the cabin files with the municipality either:

(A) an affidavit on a form prescribed by the department attesting to the fact that the cabin meets the definition of a "recreational cabin" in section 103; or

(B) a valid proof of insurance for the recreational cabin, written and issued by an insurer authorized to do business in this Commonwealth, stating that the structure meets the definition of a "recreational cabin" as defined in section 103.

(b.1) Continuity of exclusion.—

(1) If a recreational cabin is subject to exclusion under subsection (b)(7), upon transfer of ownership of the recreational cabin, written notice must be provided in the sales agreement and the deed that the recreational cabin:

(i) is exempt from this act;

(ii) may not be in conformance with the Uniform Construction Code; and

(iii) is not subject to municipal regulation.

(2) Failure to comply with the notice requirement under paragraph (1) shall render the sale voidable at the option of the purchaser.

* * *

Section 3. Section 301(a) of the act is amended by adding a paragraph to read:

Section 301. Adoption by regulations.

(a) Regulations.—

* * *

(8) The regulations shall exclude section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings or its successor code from applying to existing one-family and two-family unit dwellings undergoing alterations, repairs or additions.

* * *

Section 4. Section 501 of the act is amended by adding subsections to read:

Section 501. Administration and enforcement.

* * *

(a.1) Counties of the second class.—Notwithstanding the provisions of subsection (a), a municipality located within a county of the second class shall not administer and enforce plumbing code provisions of an ordinance adopting the Uniform Construction Code and incorporated codes for the purposes of section 302(a). A county of the second class that has adopted a plumbing code and accompanying rules and regulations, pursuant to the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, shall retain the authority to promulgate and enforce such plumbing code and to make such changes as it deems necessary, provided that such changes meet the minimum requirements as defined in the Uniform Construction Code.

* * *

(g) Technical assistance to municipalities.—The Governor's Center for Local Government Services in the Department of Community and Economic Development shall be the principal agency for developing and providing technical assistance to municipalities for implementing, administering and enforcing the provisions of this act.

Section 5. Sections 503(a) and (c) and 701(b) and (d) of the act are amended to read:

Section 503. Changes in Uniform Construction Code.

(a) Administration.—Municipalities may enact ordinances which equal or exceed the minimum requirements of Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, or successor codes, relating to administration consistent with the provisions of section 501(c).

* * *

(c) Modification of minimum requirement.—Subject to the provisions of this act, the municipal governing body may propose and enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code under the law governing the adoption of ordinances in that jurisdiction. Municipalities may enact ordinances pursuant to this section which adopt additional code requirements for alterations or repairs to residential buildings. Municipalities may enact ordinances pursuant to this section which adopt stricter code requirements than required by this act for the regulation of utility and miscellaneous use structures.

* * *

Section 701. Training of inspectors.

* * *

(b) Categories of inspectors.—

(1) The department, in consultation with BOCA and other interested parties, shall establish appropriate categories of code administrators.

(2) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirement set forth under section 2303.1.1 of the 2003 International Building Code or its successor code.

* * *

(d) Waiver.—The department shall by regulation establish a procedure for the consideration of requests for waivers of the initial training and certification requirements for individuals who present documentation that they have previously satisfied substantially similar training, testing and certification requirements. The department may also consider past work experience as an inspector when deciding a request for a waiver. Any waiver shall not apply to continuing education requirements.

* * *

Section 6. Section 901 of the act, amended June 22, 2001 (P.L.585, No.43), is amended to read:

Section 901. Exemptions.

(a) Manufactured housing.—This act shall not apply to manufactured housing which bears a label, as required by and referred to in the act of November 17, 1982 (P.L.676, No.192), known as the

Manufactured Housing Construction and Safety Standards Authorization Act, which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633), nor shall it apply to industrialized housing, as defined in the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act.

(b) Religious beliefs.—

(1) An applicant for a construction permit for a dwelling unit or one-room schoolhouse utilized by a member or members of a recognized religious sect may file an application with a code administrator to be exempted from an electrical provision of the Uniform Construction Code which conflicts with the applicant's religious beliefs. The application shall state the manner in which the provision conflicts with the applicant's religious beliefs and shall include an affidavit by the applicant stating that:

(i) the applicant is a member of a recognized religious sect;

(ii) the religious sect has established tenets or teachings which conflict with an electrical provision of the Uniform Construction Code;

(iii) the applicant adheres to the established tenets or teachings of the sect; [and]

(iv) in the case of a dwelling unit, the dwelling unit will be used solely as a residence for the applicant and the applicant's household[.]; and

(v) in the case of a one-room schoolhouse, the one-room schoolhouse will be used solely by members of the religious sect.

(2) A code administrator shall grant an application for an exemption if made in accordance with paragraph (1).

(3) If an applicant receives an exemption for [a dwelling unit] any building under this subsection and the applicant subsequently sells or leases the [dwelling unit] building, the applicant shall bring the [dwelling unit] building into compliance with the provision of the Uniform Construction Code from which it was exempted under this subsection prior to the [dwelling unit being sold or leased] sale or lease of the building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1)(i) through (iv).

(c) Natural cut trees.—Section 804.1.1 (relating to natural cut trees) of the International Fire Code (2003) and any successor provision is excluded from this act. A municipality that elects to adopt an ordinance for the administration and enforcement of this act may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement shall not be subject to section 503(b) through (k).

Section 7. The amendment of section 901(b) of the act shall apply to permits applied for on or after the effective date of this act.

Section 8. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. ALLEN. Mr. Speaker, I yield to the majority leader.

The SPEAKER. The gentleman, Mr. Allen, yields to the majority leader. The Chair recognizes the gentleman, Mr. Smith.

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

Mr. Speaker, this amendment deals with a couple of key issues that we believe there is general agreement on relative to this issue. One of the key things, Mr. Speaker, is it deletes language that would exempt the cities of the first class and counties of the second class where the buildings were established by a local ordinance. So it basically takes that out of

the existing law. It also adds in some language that allows municipalities to enact ordinances that are more stringent than the code.

In general, Mr. Speaker, I think the key thing about this amendment and this bill is it is a very important issue that has come before this House. We believe that this amendment is something that we can ultimately get to the Governor's desk. We are trying to address as many of the issues that are brought before the members of the House, some of which we aired out last week, and I would urge the members to support the Allen amendment.

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to concur with the majority leader. This fixes a multitude of problems that we have all dealt with with the UCC (Uniform Construction Code), and I would ask all the people interested in this issue that supported us 2 weeks ago to vote affirmatively on this amendment.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

As the majority leader has already defined, this is certainly a very, very difficult issue for many municipalities. For those municipalities which have for decades enforced a building code and for their residents who expect to apply for building permits and have inspections on renovations and repairs, we are trying to maintain that standard. For those municipalities who have never enforced a building code, who do not intend to enforce a building code, there are already provisions built into the law that allow municipalities to opt out.

This particular amendment does contain many of the provisions—

The SPEAKER. Mr. Steil?

The gentleman, Mr. Steil, is entitled to be heard. This is the statewide building code, which all of you know is extremely important to all your districts. Please keep the noise levels down.

I am sorry, Mr. Steil.

Mr. STEIL. Thank you.

This amendment does contain provisions which address many of the concerns of the members. My concern is that they do not address all of the needs of municipalities that have already utilized and incorporated a building code. I have amendments prepared which will allow and ensure that municipalities can enforce the building codes they now have. They will have no effect on opt-out provisions.

So I am asking the members to vote against this amendment, and let us address each of the individual needs for each community based on the amendments that I will offer subsequent to this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STAIRS. Thank you, Mr. Speaker.

This is a very serious matter for much of rural Pennsylvania. You know, we have the rural areas in western Pennsylvania that have very limited building codes, and the eastern part of the State has probably pretty extensive codes. So there is somewhat of a conflict, and certainly I think now is the time to come

together and pass this amendment and pass the bill, send it back to the Senate, and put it on the Governor's desk. And after we come back in the fall, then I think we all have to sit down and kind of look at this again and address the situation. But if we try to do too much and pass too many amendments, we are going to endanger what we have in front of us, and as a result, a uniform building code is going to be detrimental to a lot of communities, and a lot of counties in the western part of the State are going to be adversely affected.

So I would hope that we could adopt this amendment and limit discussion on the other amendments, get this through, then come back, and those communities – and I believe they are protected now – those communities that want a very strict building code, that want to have more than the State minimum, will have that power now to do that, and they can address their needs. But to get too many amendments passed today, we are going to endanger what we have, and certainly the people in our areas in the western part of the State are going to be adversely affected.

So I hope we could support the Allen amendment, minimize other amendments, get this to the Governor's desk, and then come back later on after the summer recess and maybe work out some of the areas that have certain communities that want stricter codes, which I think they can get right now; we can address that matter. But let us take what we have. As they say, a bird in the hand is worth two in the bush. So I would hope that we could support the Allen amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, my committee has worked on this legislation for 5 years on and off, and over the course of the past month at a frantic pace, to try and come up with a workable UCC program that would bring about uniform safe standards for commercial and industrial projects, for new construction, for schools and public buildings, and a reasonable and rational Uniform Construction Code for preexisting housing.

The staffs of all four caucuses – Chairman Allen's staff, my staff, Senator Scarnati's staff, and Senator Kukovich's staff – have worked along with certain members of leadership to come up with a bill that we can send back to the Senate without many amendments, other than those that have been worked out very carefully and diligently over the course of the past few nights, and one that the Governor will sign, because we are out of time, Mr. Speaker. If we do not do something before we leave town, on July 9, what we all do not want to happen, bar a few, is going to take place, and that is going to be a nightmare for our constituents. The media will have a frenzy with it.

The SPEAKER. Mr. Belfanti, hold on just one moment.

Would the conferences please break up. The gentleman has the floor and is entitled to be heard.

The gentleman may continue.

Mr. BELFANTI. Thank you, Mr. Speaker.

I will not repeat what I said when all the conferences were taking place. But the bottom line is, we only have a few more days, and if we do nothing, on July 9 these very onerous regulations that were sent to us by five attorneys from Labor and Industry are going to take effect. It will be disaster for our homeowners. It will put our local governments into a tither. We need to send something to the Senate that has been carefully negotiated between the four caucuses, the

four Labor Relations Committee staffs, and certain members of the leadership teams of both sides of the aisle. The Allen amendment does just that.

We want to adopt this amendment. It takes care of the concerns of the urban areas. It also takes care of those concerns of those of us that live in rural Pennsylvania. It is not going to cause people who want to replace a bathtub or a window to spend \$15,000 to hardwire smoke detectors. We have taken care of so many things in such a short period of time.

But I need to caution the membership, if today amendment after amendment after amendment, once the Allen amendment is adopted and one or two others, the Senate will revert to the prior printer's number, and we will be back to square one. This is an amendment that Senator Scarnati agrees with and believes that it makes his legislation better, and it takes care of almost all of the concerns of the individual members that have been brought to us.

So, Mr. Speaker, I stand in support of the Allen amendment. I hope that we can move on to one or two other agreed-to amendments and then get to final passage.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

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

First, I have a parliamentary inquiry, Mr. Speaker, and that is, the gentleman from Bucks made some reference to other amendments that he wants to offer. If this amendment is passed, does it negate or make any other amendments that are managed to be offered null and void?

The SPEAKER. Of the amendments that were filed on time, there is only one other amendment that could possibly be offered.

Mr. HERMAN. Only one other amendment can be offered. Is that what you said, Mr. Speaker? Clarification? Did you say all other amendments can be offered except one, or just one more can be offered?

The SPEAKER. There is only one more that was filed in a timely fashion that can be offered. If there were a suspension of the rules, there are a number of other amendments that could be offered, but that would have to be taken up at that time.

Mr. HERMAN. And that would require a suspension of the rules. Is that correct, Mr. Speaker?

The SPEAKER. Yes, it is correct.

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

I would like to interrogate the majority leader on the merits of this amendment, which he has articulated an explanation thereof.

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

Mr. HERMAN. I guess I just wanted to make some clarification, Mr. Speaker, and that is that we had passed HB 2668 last week or the week before with the amendments sponsored by myself and Representative Allen, which received bipartisan, unanimous support. Is the language of that amendment close to or identical to that contained in your amendment?

Mr. S. SMITH. Yes, Mr. Speaker, it is.

Mr. HERMAN. Then I am safe to say that this will also relieve the homeowners of Pennsylvania from deleterious regulations dealing with minor alterations and repairs. I am satisfied with that, Mr. Speaker.

My second question is this. You made reference in your explanation of this amendment that those municipalities that have a stronger code enforcement, that they will be able to do so, and my question to you is this: Does a municipality, if this amendment is passed and becomes law in this bill, does a municipality have to do anything in order to maintain their existing codes that they have if they already have stronger code enforcements? In other words, do they have to pass any ordinances or do they have to pass any resolutions saying that they want to maintain their current codes?

Mr. S. SMITH. Mr. Speaker, if a municipality had a stricter code in place prior to 1999, which was the date that the current statewide building code addresses, that would be in place. They would not have to do anything to enforce that. If someone had a stricter code that they adopted just earlier this year by odd chance, then they might be under a different scenario of enforcing that particular code. But anyone who had one prior to the enactment of the statewide building code would be free to enforce it as it was originally enacted.

Mr. HERMAN. Right. Then I am satisfied that the municipalities that have stronger codes adopted before July 1, 1999, are grandfathered into this clause, and they do nothing. But between that timeframe of July 1, 1999, and the present day, my question is, does the municipality which has adopted a stronger code in between that timeframe, do they have to take any action at the municipal level to reestablish that code?

Mr. S. SMITH. Yes, there would be an action required upon them, and there is a procedure set forth in the law that would outline exactly what that procedure is.

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

Now may I speak on the amendment, Mr. Speaker?

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

Mr. HERMAN. Mr. Speaker, I share some of the chagrin of the gentleman from Bucks that we cannot consider other amendments. There have been nearly 39 or 40 that have been filed, and I think we should at least have due process here on the floor of the House of Representatives. However, I am satisfied that the content of this amendment is pretty much what we have agreed to previously in previous weeks and which received unanimous support here in the House of Representatives by passing the Herman and Allen amendment, and I am satisfied that I can support this amendment and will do so.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The Chair recognizes the gentleman from Clarion, Mr. McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

I just rise to commend Representative Allen for offering this amendment. Though it does not solve all the problems that have arisen since we passed the building code legislation, it goes a long way in addressing a lot of those problems, and I want to encourage my colleagues to vote in favor of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the gentleman from Allegheny, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I basically agree with pretty much everything that has been said by a lot of the previous speakers. This is a bill that has been worked on for many years, really, and in an imperfect world this certainly is an imperfect piece of legislation, as we all know. I would say, though, that it is our job as a legislature and our job as legislators to in fact legislate. That is why we are here. The lateness of the day I fully understand, the lateness of the year I fully understand, but having said that, that is not the fault of the maker of the bill, of the amendments. We have approximately 20 amendments that I think will improve this bill to a large extent. It will not make it perfect, and certainly the current bill we can live with, but I think, Mr. Speaker, that by having this amendment pass would preclude us from doing our job as legislators.

So with that I would respectfully ask that we turn down this amendment so that we can consider some of the other amendments here today.

Thank you, Mr. Speaker.

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—173

Adolph	Eachus	LaGrotta	Ross
Allen	Egolf	Laughlin	Rubley
Argall	Evans, D.	Leach	Ruffing
Armstrong	Evans, J.	Leh	Samuelson
Baker	Fabrizio	Lescovitz	Santoni
Baldwin	Fairchild	Levdansky	Sather
Bard	Feese	Lewis	Scavello
Barrar	Fichter	Lynch	Schroder
Bastian	Fleagle	Mackereth	Scrimenti
Bebko-Jones	Flick	Maitland	Semmel
Belardi	Forcier	Major	Shaner
Belfanti	Frankel	Manderino	Smith, B.
Benninghoff	Freeman	Mann	Smith, S. H.
Bianucci	Gabig	Marsico	Staback
Birmelin	Gannon	McCall	Stairs
Bishop	Geist	McGeehan	Stern
Blaum	George	McIlhattan	Stetler
Boyd	Gergely	McIlhinney	Stevenson, R.
Browne	Gillespie	Melio	Surra
Bunt	Gingrich	Metcalfe	Tangretti
Butkovitz	Godshall	Micozzie	Taylor, E. Z.
Caltagirone	Good	Millard	Taylor, J.
Cappelli	Goodman	Miller, R.	Tigue
Casorio	Grucela	Miller, S.	Travaglio
Causar	Gruitza	Mundy	True
Cawley	Habay	Myers	Vance
Civera	Haluska	Nailor	Veon
Cohen	Hanna	O'Brien	Vitali
Coleman	Harhart	Oliver	Walko
Cornell, S. E.	Harper	Pallone	Wansacz
Corrigan	Harris	Petrarca	Washington
Coy	Hasay	Petrone	Waters
Crahalla	Hennessey	Phillips	Weber
Creighton	Herman	Pickett	Williams
Cruz	Hershey	Pistella	Wilt
Curry	Hess	Preston	Wojnarowski
Dailey	Hickernell	Raymond	Yewcic
Daley	Horsey	Reed	Youngblood
Dally	Hutchinson	Reichley	Yudichak

DeLuca	James	Rieger	Zug
Denlinger	Keller	Roberts	
Dermody	Kenney	Roebuck	
DeWeese	Kirkland	Rohrer	Perzel,
Donatucci	Kotik	Rooney	Speaker

NAYS—29

Buxton	Lederer	O'Neill	Steil
Clymer	Maher	Payne	Stevenson, T.
Costa	Markosek	Petri	Thomas
DiGirolamo	McGill	Readshaw	Turzai
Diven	McNaughton	Sainato	Watson
Harhai	Mustio	Saylor	Wheatley
Josephs	Nickol	Solobay	Wright
Killion			

NOT VOTING—0

EXCUSED—1

Sturla

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?

RULES SUSPENDED

The SPEAKER. The Chair at this time would recognize the gentleman, Mr. Solobay, for a motion.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I would like to offer amendment A3089. It is an agreed-to amendment to the bill.

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

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman, Mr. Solobay, moves to suspend the rules for the immediate consideration of amendment A3089.

On that question, he is joined by the gentleman, Mr. Allen, who also moves that the rules be suspended for this particular amendment.

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

The following roll call was recorded:

YEAS—202

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Evans, J.	Lewis	Sainato
Argall	Fabrizio	Lynch	Samuelson
Armstrong	Fairchild	Mackereth	Santoni
Baker	Feese	Maher	Sather
Baldwin	Fichter	Maitland	Saylor
Bard	Fleagle	Major	Scavello
Barrar	Flick	Manderino	Schroder

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

NAYS-0

NOT VOTING-0

EXCUSED-1

Sturla

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

On the question recurring,

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

Mr. SOLOBAY offered the following amendment No. A3089:

Amend Sec. 3 (Sec. 301), page 3, line 22 (A2978), by removing the period after “additions” and inserting but shall include provisions requiring non-interconnected battery-operated smoke alarms in one-family and two-family dwellings in accordance with section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Solobay, for an explanation of the amendment.

Mr. SOLOBAY. Thank you, Mr. Speaker.

Basically what this amendment allows for is during alterations or new construction on additions, that when interconnected hardwired smoke detectors are not able to be installed, that a minimum of non-interconnected battery-operated smoke detectors be put in place.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, my main legislation last week, HB 2668, dealt with the interconnected smoke alarm system. Before all the amendments, the main rationale behind that legislation was the expense that it would take for someone who changed a window and had an attic or had a basement to have to completely hardwire their house with smoke detectors, so you have a \$400 window job that cost you \$24,400 because you spent \$20,000 to hardwire your house.

We discussed this legislation with the Pennsylvania Fire Fighters Association. They understood in preexisting housing the outlandish expense this would cause. So the hardwire requirements are going to remain in the UCC on all brand-new construction and all home additions. However, in preexisting housing – I am going to just expand upon what Representative Solobay said – I believe he said if you cannot hardwire, you can use batteries. That is not actually what this amendment is doing. This amendment is maintaining the exemption for preexisting housing to ever have to hardwire smoke detectors under any circumstances. However, once you receive a permit and an inspection is done for any major alteration, we agree with the firefighters that you should install smoke detectors, the battery-operated, nonhardwired smoke detectors, in each bedroom, in the hallways, and in the kitchen. An average home, an average three-bedroom home, you are talking between six and seven \$5 smoke detectors. That is a \$30 or \$35 bill as opposed to a \$5,000, \$10,000, or \$20,000 bill.

So I am asking support for the Solobay amendment. The firefighters agree with this. They are very happy that we are putting something back in the legislation.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

I also support this amendment.

This is a safety amendment that we need in this bill. I urge you to support it. The firefighters across Pennsylvania want this amendment, and I urge you to support it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to interrogate the maker of the amendment, please.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the question I have, and perhaps you might have said something in your opening remarks that I did not hear, but have you had any discussions with our colleagues over in the Senate relative to this amendment in terms of their acceptance of this amendment?

Mr. SOLOBAY. That has been done, Mr. Speaker, and they are in agreement with this amendment.

Mr. MARKOSEK. Okay. Thank you, Mr. Speaker.

I end my interrogation. I would like to speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. MARKOSEK. Thank you.

I also rise to support the Solobay amendment. The previous amendment, we were discussing how the addition of extra amendments would hold the bill up and create some problems, particularly over in the Senate, but I am happy to hear that at least for this amendment, that is not the case, and it is a good amendment, and I urge my colleagues to vote “yes” on this amendment.

Thank you, Mr. Speaker.

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

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

On the Solobay amendment, I also rise to support that, and the reason being that with the passage of the amendments last week to HB 2668 and the Smith amendment, which includes the language that we all passed unanimously in a bipartisan manner on the floor of this chamber last week, I think that both of those amendments really had the effect of providing for a reasonable balance between public safety and unnecessary government intervention, a man and woman’s ability to make minor repairs and alterations in their home, and this amendment falls into that category, and I certainly would support it and encourage everyone else to do so also.

Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE
(CURT SCHRODER) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Sturla

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome to the hall of the House Miss Naomi Trout of Collegeville, a guest of Representative Crahalla. She is a student at Liberty University in Lynchburg, Virginia, and is completing requisite course hours as an intern at Representative Crahalla’s district office. Ms. Trout and her mother are seated to the left of the Speaker’s podium. Would they please stand and be recognized.

CONSIDERATION OF SB 1139 CONTINUED

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Steil, for a motion.

Mr. STEIL. Thank you, Mr. Speaker.

I would like to move to suspend the rules to offer amendments A3045, A3046, A3047, and A3048—

The SPEAKER pro tempore. Will the gentleman suspend.

Thank you, Representative.

The Chair is advised that we only will take motions one amendment at a time, so we will entertain the motion to suspend for amendment 3045—

Mr. STEIL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. —and the gentleman is in order.

On the question,

Will the House agree to the motion?

Mr. STEIL. Amendment A3045 will add certain disclosure provisions—

The SPEAKER pro tempore. Will the gentleman suspend.

Only the floor leaders are allowed to speak on the motion, so the gentleman, Mr. Smith, is in order or can designate his—

Does the majority leader defer to the gentleman, Mr. Steil? The gentleman, Mr. Steil, is recognized.

Mr. S. SMITH. Mr. Speaker?

Mr. Speaker, I defer to him. I do not necessarily agree with him.

The SPEAKER pro tempore. Thank you.

Mr. STEIL. Thank you, Mr. Speaker, and I fully understand that.

Thank you, Mr. Speaker.

Amendment A3045 offers certain additional provisions for SB 1139. Primarily, it addresses the complaint we have heard from many of the realtors regarding the statements that must be placed on the disclosure statement, the seller's disclosure statement, on home renovations and repairs. So the language has been amended to provide for general statement of alterations and repairs.

Secondly, this provides for the duty of the municipality to notify an applicant for a construction permit other than for residential and nonstructural alterations and repairs, and it further requires that Construction Code officials meet certain standards and are not automatically waived from the training and certification issues.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, since I agree with the gentleman, Mr. Surra, I am going to defer to him and allow him to speak on the suspension motion.

The SPEAKER pro tempore. The Chair will recognize the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

With all due respect to the prime sponsor of the amendment, it does not matter what is in the amendments and how many of us would like to vote for some of these things. This would put the boots to a lot of hard work and a deal that was put together by the prime sponsor, Senator Scarnati; the Senate, who voted

this legislation; the Labor Relations Committee, who worked very hard on this compromise. And I join with the majority leader, Representative Smith, in asking you to oppose the motion to suspend the rules.

Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—53

Adolph	Gabig	Maitland	Readshaw
Barrar	Gergely	Markosek	Rieger
Benninghoff	Gillespie	McGill	Rooney
Birmelin	Habay	McIlhinney	Sainato
Butkovitz	Harhai	McNaughton	Samuelson
Buxton	Herman	Melio	Saylor
Civera	Killion	Mustio	Steil
Clymer	Lederer	Nickol	Stetler
Costa	Levdansky	O'Neill	Stevenson, T.
Dally	Lewis	Payne	Tigue
DiGirolamo	Lynch	Petri	Turzai
Diven	Mackereth	Pistella	Watson
Donatucci	Maher	Raymond	Wright
Freeman			

NAYS—149

Allen	Evans, D.	Laughlin	Schroder
Argall	Evans, J.	Leach	Scrimenti
Armstrong	Fabrizio	Leh	Semmel
Baker	Fairchild	Lescovitz	Shaner
Baldwin	Feese	Major	Smith, B.
Bard	Fichter	Manderino	Smith, S. H.
Bastian	Fleagle	Mann	Solobay
Bebko-Jones	Flick	Marsico	Staback
Belardi	Forcier	McCall	Stairs
Belfanti	Frankel	McGeehan	Stern
Biancucci	Gannon	McIlhattan	Stevenson, R.
Bishop	Geist	Metcalfe	Surra
Blaum	George	Micozzie	Tangretti
Boyd	Gingrich	Millard	Taylor, E. Z.
Browne	Godshall	Miller, R.	Taylor, J.
Bunt	Good	Miller, S.	Thomas
Caltagirone	Goodman	Mundy	Travaglio
Cappelli	Grucela	Myers	True
Casorio	Gruitza	Nailor	Vance
Causar	Haluska	O'Brien	Veon
Cawley	Hanna	Oliver	Vitali
Cohen	Harhart	Pallone	Walko
Coleman	Harper	Petrarca	Wansacz
Cornell, S. E.	Harris	Petrone	Washington
Corrigan	Hasay	Phillips	Waters
Coy	Hennessey	Pickett	Weber
Crahalla	Hershey	Preston	Wheatley
Creighton	Hess	Reed	Williams
Cruz	Hickernell	Reichley	Wilt
Curry	Horsey	Roberts	Wojnaroski
Dailey	Hutchinson	Roebuck	Yewcic
Daley	James	Rohrer	Youngblood
DeLuca	Josephs	Ross	Yudichak
Denlinger	Keller	Rublely	Zug
Dermody	Kenney	Ruffing	
DeWeese	Kirkland	Santoni	
Eachus	Kotik	Sather	Perzel,
Egolf	LaGrotta	Scavello	Speaker

NOT VOTING—0

EXCUSED-1

Sturla

Less than a majority of the members required by the rules 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 bill on third consideration as amended?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. Does the gentleman, Mr. Steil, have another motion?

Mr. STEIL. Yes, Mr. Speaker. I would like to move to suspend the rules to offer amendment A3046.

The SPEAKER pro tempore. The gentleman, Mr. Steil, moves that the rules be suspended for the immediate consideration of amendment A3046.

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

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

Mr. STEIL. Thank you, Mr. Speaker.

This amendment, if approved, would allow municipalities and would clearly state within the code that repairs, while not inspected and not permitted, when performed by a general contractor, are still required to meet the Uniform Construction Code.

Thank you, Mr. Speaker.

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

Mr. SURRA. Thank you, Mr. Speaker.

Respectfully, I would ask all the members and I concur with the majority leader that we have to vote "no" on the motion to suspend the rules.

We have a deadline of the first week of July on this issue. We have to get this to the Governor. It is a deal that the Senate has agreed to, the Governor will sign it, and respectfully, we have to vote "no."

Thank you.

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

The following roll call was recorded:

YEAS-58

Adolph	Habay	McIlhinney	Rooney
Barrar	Haluska	McNaughton	Rubley
Butkovitz	Hennessey	Melio	Sainato
Buxton	Herman	Mustio	Samuelson
Civera	Killion	Nickol	Saylor
Clymer	Kirkland	O'Neill	Steil
Costa	Lederer	Payne	Stetler
Crahalla	Levdansky	Petri	Stevenson, T.
DiGirolamo	Lewis	Pistella	Thomas
Diven	Lynch	Raymond	Tigue

Donatucci	Mackereth	Readshaw	Turzai
Freeman	Maher	Rieger	Watson
Gabig	Maitland	Roberts	Wheatley
Gergely	Markosek	Roebuck	Wright
Gillespie	McGill		

NAYS-144

Allen	DeWeese	Kotik	Scavello
Argall	Eachus	LaGrotta	Schroder
Armstrong	Egolf	Laughlin	Scrimenti
Baker	Evans, D.	Leach	Semmel
Baldwin	Evans, J.	Leh	Shaner
Bard	Fabrizio	Lescovitz	Smith, B.
Bastian	Fairchild	Major	Smith, S. H.
Bebko-Jones	Feese	Manderino	Solobay
Belardi	Fichter	Mann	Staback
Belfanti	Fleagle	Marsico	Stairs
Benninghoff	Flick	McCall	Stern
Bianucci	Forcier	McGeehan	Stevenson, R.
Birmelin	Frankel	McIlhattan	Surra
Bishop	Gannon	Metcalfe	Tangretti
Blaum	Geist	Micozzie	Taylor, E. Z.
Boyd	George	Millard	Taylor, J.
Browne	Gingrich	Miller, R.	Travaglio
Bunt	Godshall	Miller, S.	True
Caltagirone	Good	Mundy	Vance
Cappelli	Goodman	Myers	Veon
Casorio	Grucela	Nailor	Vitali
Causer	Gruitza	O'Brien	Walko
Cawley	Hanna	Oliver	Wansacz
Cohen	Harhai	Pallone	Washington
Coleman	Harhart	Petrarca	Waters
Cornell, S. E.	Harper	Petrone	Weber
Corrigan	Harris	Phillips	Williams
Coy	Hasay	Pickett	Wilt
Creighton	Hershey	Preston	Wojnaroski
Cruz	Hess	Reed	Yewwic
Curry	Hickernell	Reichley	Youngblood
Dailey	Horsey	Rohrer	Yudichak
Daley	Hutchinson	Ross	Zug
Dally	James	Ruffing	
DeLuca	Josephs	Santoni	
Denlinger	Keller	Sather	Perzel, Speaker
Dermody	Kenney		

NOT VOTING-0

EXCUSED-1

Sturla

Less than a majority of the members required by the rules 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 bill on third consideration as amended?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. Does the gentleman, Mr. Steil, have a further motion?

Mr. STEIL. Thank you, Mr. Speaker.

I would like to move to suspend the rules to offer amendment A3047.

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Steil, that the rules of the House be suspended for the consideration of amendment A3047.

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

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

Mr. STEIL. Thank you, Mr. Speaker.

This amendment is specifically for municipalities, to ensure that municipalities have the authority to adopt ordinances which are more strict than the Uniform Construction Code, and it particularly makes it obvious that they may in fact adopt stricter ordinances for alterations and repairs which are excluded under other sections of the bill. Most of this applies to municipalities which have already adopted the Uniform Construction Code and which have enforced a building code for a number of years.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Once again I join with the majority leader in asking the members to vote “no.”

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

The following roll call was recorded:

YEAS-56

Adolph	Gergely	McGill	Roebuck
Barrar	Gillespie	McIlhinney	Rooney
Birmelin	Habay	McNaughton	Rubley
Bishop	Harhai	Melio	Sainato
Butkovitz	Herman	Mustio	Samuelson
Buxton	Kenney	Nickol	Saylor
Civera	Killion	O’Neill	Steil
Clymer	Lederer	Payne	Stetler
Costa	Levdansky	Petri	Stevenson, T.
Crahalla	Lewis	Pistella	Tigue
DiGirolamo	Lynch	Raymond	Turzai
Diven	Maher	Readshaw	Watson
Freeman	Maitland	Reichley	Wheatley
Gabig	Markosek	Roberts	Wright

NAYS-146

Allen	Eachus	Kotik	Scavello
Argall	Egolf	LaGrotta	Schroder
Armstrong	Evans, D.	Laughlin	Scrimenti
Baker	Evans, J.	Leach	Semmel
Baldwin	Fabrizio	Leh	Shaner
Bard	Fairchild	Lescovitz	Smith, B.
Bastian	Feese	Mackereth	Smith, S. H.
Bebko-Jones	Fichter	Major	Solobay
Belardi	Fleagle	Manderino	Staback
Belfanti	Flick	Mann	Stairs
Benninghoff	Forcier	Marsico	Stern
Bianucci	Frankel	McCall	Stevenson, R.
Blaum	Gannon	McGeehan	Surra
Boyd	Geist	McIlhattan	Tangretti
Browne	George	Metcalfe	Taylor, E. Z.
Bunt	Gingrich	Micozzie	Taylor, J.
Caltagirone	Godshall	Millard	Thomas
Cappelli	Good	Miller, R.	Travaglio
Casorio	Goodman	Miller, S.	True
Causer	Grucela	Mundy	Vance

Cawley	Gruitza	Myers	Veon
Cohen	Haluska	Nailor	Vitali
Coleman	Hanna	O’Brien	Walko
Cornell, S. E.	Harhart	Oliver	Wansacz
Corrigan	Harper	Pallone	Washington
Coy	Harris	Petrarca	Waters
Creighton	Hasay	Petrone	Weber
Cruz	Hennessey	Phillips	Williams
Curry	Hershey	Pickett	Wilt
Dailey	Hess	Preston	Wojnaroski
Daley	Hickernell	Reed	Yewcic
Dally	Horsey	Rieger	Youngblood
DeLuca	Hutchinson	Rohrer	Yudichak
Denlinger	James	Ross	Zug
Dermody	Josephs	Ruffing	
DeWeese	Keller	Santoni	Perzel,
Donatucci	Kirkland	Sather	Speaker

NOT VOTING-0

EXCUSED-1

Sturla

Less than a majority of the members required by the rules 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 bill on third consideration as amended?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. Does the gentleman, Mr. Steil, have another motion?

Mr. STEIL. Thank you, Mr. Speaker, and this is the last one.

I would like to move to suspend the rules to offer amendment A3048.

The SPEAKER pro tempore. The gentleman, Mr. Steil, moves to suspend the rules to offer amendment A3048.

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

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

Mr. STEIL. Thank you, Mr. Speaker.

What this amendment does is simply restore the stair geometry and tread design which was contained in the original Uniform Construction Code. I am not aware of any opposition to this. However, the reason for doing this is that there are older buildings and there are buildings currently under permit that have already been approved for design and construction with the original stair geometry. If this amendment does not pass, it means that buildings that may not be constructed but already have permit approval will have to be redesigned in order to configure the stair treads as currently proposed.

So we are proposing to return to that stair tread design and geometry which was included in the Uniform Construction Code as it was adopted in 1999.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.
 Once again, Mr. Speaker, I join with the majority leader and ask the members to not support this motion and vote “no.”
 Thank you.

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

The following roll call was recorded:

YEAS—61

Adolph	Gergely	Markosek	Rooney
Bard	Gillespie	McGill	Rubley
Barrar	Habay	McIlhinney	Sainato
Benninghoff	Harhai	McNaughton	Samuelson
Birmelin	Hennessey	Melio	Saylor
Bishop	Herman	Miller, S.	Steil
Butkovitz	Hershey	Mustio	Stetler
Buxton	Killion	Nickol	Stevenson, T.
Civera	Kotik	O’Neill	Taylor, E. Z.
Clymer	Lederer	Payne	Thomas
Costa	Levdansky	Petri	Tigue
Crahalla	Lewis	Pistella	Turzai
DiGirolamo	Lynch	Raymond	Watson
Diven	Maher	Readshaw	Wheatley
Freeman	Maitland	Roberts	Wright
Gabig			

NAYS—141

Allen	Egolf	Laughlin	Scavello
Argall	Evans, D.	Leach	Schroder
Armstrong	Evans, J.	Leh	Scrimenti
Baker	Fabrizio	Lescovitz	Semmel
Baldwin	Fairchild	Mackereth	Shaner
Bastian	Feese	Major	Smith, B.
Bebko-Jones	Fichter	Manderino	Smith, S. H.
Belardi	Fleagle	Mann	Solobay
Belfanti	Flick	Marsico	Staback
Biancucci	Forcier	McCall	Stairs
Blaum	Frankel	McGeehan	Stern
Boyd	Gannon	McIlhattan	Stevenson, R.
Browne	Geist	Metcalfe	Surra
Bunt	George	Micozzie	Tangretti
Caltagirone	Gingrich	Millard	Taylor, J.
Cappelli	Godshall	Miller, R.	Travaglio
Casorio	Good	Mundy	True
Causar	Goodman	Myers	Vance
Cawley	Grucela	Nailor	Veon
Cohen	Gruitza	O’Brien	Vitali
Coleman	Haluska	Oliver	Walko
Cornell, S. E.	Hanna	Pallone	Wansacz
Corrigan	Harhart	Petrarca	Washington
Coy	Harper	Petrone	Waters
Creighton	Harris	Phillips	Weber
Cruz	Hasay	Pickett	Williams
Curry	Hess	Preston	Wilt
Dailey	Hickernell	Reed	Wojnaroski
Daley	Horsey	Reichley	Yewcic
Dally	Hutchinson	Rieger	Youngblood
DeLuca	James	Roebuck	Yudichak
Denlinger	Josephs	Rohrer	Zug
Dermody	Keller	Ross	
DeWeese	Kenney	Ruffing	
Donatucci	Kirkland	Santoni	Perzel,
Eachus	LaGrotta	Sather	Speaker

NOT VOTING—0

EXCUSED—1

Sturla

Less than a majority of the members required by the rules 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 bill on third consideration as amended?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Markosek, for a motion.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I rise to move that we suspend the rules so we can offer amendment 3070.

The SPEAKER pro tempore. The gentleman, Mr. Markosek, moves that the rules of the House be suspended so that he can offer amendment 3070.

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

The SPEAKER pro tempore. On that motion, the Chair recognizes the majority leader, Mr. Smith.

Mr. S. SMITH. On suspension, Mr. Speaker, I would oppose the suspension of the rules, Mr. Speaker.

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

Mr. VEON. Thank you, Mr. Speaker.

Like we did with the gentleman, Mr. Surra, in this case, even though I do not agree with the gentleman, Mr. Markosek, we would like to defer to him to make comments on this, Mr. Speaker.

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

Mr. MARKOSEK. Thank you, Mr. Speaker, and I would like to thank the graciousness of the minority whip. Thank you.

This amendment, 3070, eliminates the municipalities from adopting ordinances which would require that plans be prepared by a registered design professional for one-family and two-family dwellings. In other words, the municipality cannot overrule the current statute that is in place relative to architects having to sign off on individual residential facilities.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—42

Adolph	Freeman	Leh	Roberts
Barrar	George	Maher	Rohrer
Birmelin	Gergely	Markosek	Rooney
Bishop	Gillespie	Marsico	Sainato
Butkovitz	Harhai	McGeehan	Samuelson
Buxton	Herman	McNaughton	Saylor
Cohen	Hershey	Mustio	Stetler
Costa	Kotik	Pistella	Tigue
Dermody	Laughlin	Raymond	Wheatley

Diven Frankel	Leach Lederer	Readshaw	Yewcic
NAYS—160			
Allen	Evans, D.	Mackereth	Schroder
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fabrizio	Major	Semmel
Baker	Fairchild	Manderino	Shaner
Baldwin	Feese	Mann	Smith, B.
Bard	Fichter	McCall	Smith, S. H.
Bastian	Fleagle	McGill	Solobay
Bebko-Jones	Flick	McIlhattan	Staback
Belardi	Forcier	McIlhinney	Stairs
Belfanti	Gabig	Melio	Steil
Benninghoff	Gannon	Metcalfe	Stern
Biancucci	Geist	Micozzie	Stevenson, R.
Blaum	Gingrich	Millard	Stevenson, T.
Boyd	Godshall	Miller, R.	Surra
Browne	Good	Miller, S.	Tangretti
Bunt	Goodman	Mundy	Taylor, E. Z.
Caltagirone	Grucela	Myers	Taylor, J.
Cappelli	Gruitza	Nailor	Thomas
Casorio	Habay	Nickol	Travaglio
Causer	Haluska	O'Brien	True
Cawley	Hanna	Oliver	Turzai
Civera	Harhart	O'Neill	Vance
Clymer	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell, S. E.	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Preston	Weber
Curry	James	Reed	Williams
Dailey	Josephs	Reichley	Wilt
Daley	Keller	Rieger	Wojnaroski
Dally	Kenney	Roebuck	Wright
DeLuca	Killion	Ross	Youngblood
Denlinger	Kirkland	Rubley	Yudichak
DeWeese	LaGrotta	Ruffing	Zug
DiGirolamo	Lescovitz	Santoni	
Donatucci	Levdansky	Sather	
Eachus	Lewis	Scavello	Perzel,
Egolf	Lynch		Speaker

NOT VOTING—0

EXCUSED—1

Sturla

Less than a majority of the members required by the rules 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 bill on third consideration as amended?

The SPEAKER pro tempore. Does the gentleman, Mr. Pallone, or the gentleman, Mr. Haluska, wish to be recognized for motions?

The gentleman, Mr. Pallone, waives off, and the Chair recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I understand that the time is running out on this. I would just like to make a comment basically why this amendment was filed.

I plan on withdrawing the amendment, but I would just like to speak to it for a minute. Personal privilege.

The SPEAKER pro tempore. The gentleman is recognized for that purpose.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, the reason this amendment was put in, we have a CREW (Community Restoration Works), Operation Outward Reach, which works out of our State prisons, and I was notified by them that if the bill goes in in the present form, it is really going to put a negative spin on some of the work that they do for people that are 125 percent of poverty and also our municipalities and our nonprofits that they work for. That is why this amendment was drafted.

So I would hope in the future, through some legislation, that we can remedy this and take care of our Operation Outward Reach out of our State prisons so that they can go about their good work that they do in all of our communities.

So at this time I will withdraw the amendment, but I would hope that we could come back at some time and remedy that.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—185

Allen	Egolf	Leh	Ruffing
Argall	Evans, D.	Lescovitz	Sainato
Armstrong	Evans, J.	Levdansky	Samuelson
Baker	Fabrizio	Lewis	Santoni
Baldwin	Fairchild	Lynch	Sather
Bard	Feese	Mackereth	Saylor
Barrar	Fichter	Maitland	Scavello
Bastian	Fleagle	Major	Schroder
Bebko-Jones	Flick	Manderino	Scrimenti
Belardi	Forcier	Mann	Semmel
Belfanti	Frankel	Markosek	Shaner
Benninghoff	Freeman	Marsico	Smith, B.
Biancucci	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Solobay
Bishop	Gergely	McGill	Staback
Blaum	Gillespie	McIlhattan	Stairs
Boyd	Gingrich	McIlhinney	Stern
Browne	Godshall	McNaughton	Stetler
Bunt	Good	Melio	Stevenson, R.
Butkovitz	Goodman	Metcalfe	Surra
Buxton	Grucela	Millard	Tangretti
Caltagirone	Gruitza	Miller, R.	Taylor, E. Z.
Cappelli	Habay	Miller, S.	Taylor, J.
Casorio	Haluska	Mundy	Thomas
Causer	Hanna	Myers	Tigue
Cawley	Harhai	Nailor	Travaglio
Clymer	Harhart	O'Brien	True
Cohen	Harper	Oliver	Vance
Coleman	Harris	Pallone	Veon

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

NAYS-17

Adolph	Killion	Nickol	Stevenson, T.
Civera	Maher	O'Neill	Turzai
DiGirolamo	Micozzie	Petri	Watson
Gabig	Mustio	Steil	Wright
Gannon			

NOT VOTING-0

EXCUSED-1

Sturla

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

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2512, PN 4229**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVE OF ABSENCE

Mr. COY. Mr. Speaker?

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

Mr. COY. May we return to the order of business of leaves of absence and request a leave of absence for the balance of the day for the gentleman from Allegheny, Mr. COSTA.

The SPEAKER pro tempore. And without objection, the leave will be granted.

EDUCATION COMMITTEE MEETING

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

Mr. STAIRS. For a meeting announcement.

The SPEAKER pro tempore. The gentleman is in order.

Mr. STAIRS. At the recess or adjournment – this is for the Education Committee members – we want to reconvene our recess in room 205 in the Ryan Building. So the Education Committee, upon adjournment or recess, we would like to have a meeting shortly.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At the recess or adjournment, the Education Committee will reconvene in room 205 in the Ryan Building.

It is my understanding that the gentleman, Mr. Argall, will defer his announcement to a later time.

RULES COMMITTEE MEETING

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

VOTE CORRECTION

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on amendment 2978, the Allen amendment, my button malfunctioned. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the remarks will be spread upon the record.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 822, PN 4253

By Rep. S. SMITH

A Resolution urging the President and Congress of the United States to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

RULES.

HR 823, PN 4254

By Rep. S. SMITH

A Resolution establishing the Commission on the Future of the Philadelphia, Pittsburgh and Harrisburg International Airports and the Southeastern Pennsylvania Transportation Authority.

RULES.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 2512, PN 4229

By Rep. S. SMITH

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for definitions; providing for passage of title to milk; further providing for security bonds, for bonds, for the security fund and for new licenses; providing for review of security; and further providing for trusteeship, for prohibitions and violations and for penalties.

RULES.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2512, PN 4229**, entitled:

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for definitions; providing for passage of title to milk; further providing for security bonds, for bonds, for the security fund and for new licenses; providing for review of security; and further providing for trusteeship, for prohibitions and violations and for penalties.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Hershey, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—201

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.	Surra
Buxton	Gruitza	Miller, S.	Tangretti
Caltagirone	Habay	Mundy	Taylor, E. Z.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Costa Sturla

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.

SENATE MESSAGE

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1965, PN 2564**; and **HB 2081, PN 3424**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2433, PN 4246**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 796, PN 928**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "multimunicipal plan."

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

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman, Mr. Grucela, has withdrawn his amendments. The gentleman nods that that is correct, and the Chair thanks the gentleman.

Does the gentleman, Mr. Vitali, wish to offer an amendment? The gentleman, Mr. Vitali, waives off. The Chair thanks the gentleman.

Does the gentleman, Mr. Reichley, wish to be recognized for the purpose of offering an amendment?

Mr. REICHLEY. Mr. Speaker, I would intend to introduce amendment 2665, the latter number.

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

Mr. REICHLEY offered the following amendment No. **A2665**:

Amend Title, page 1, line 20, by striking out "plan." " and inserting

plan"; and further providing for membership of board and for organization of board.

Amend Bill, page 2, by inserting between lines 13 and 14

Section 2. Sections 903 and 906 of the act are amended to read:

Section 903. Membership of Board.—(a) The membership of the board shall, upon the determination of the governing body, consist of either three or five residents of the municipality appointed by resolution by the governing body. The terms of office of a three member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five member board shall be five years and shall be so fixed that the term of office of one member of a five member board shall expire each year. If a three member board is changed to a five member board, the members of the existing three member board shall continue in office until their term of office would expire under prior law. The governing body shall appoint two additional members to the board with terms scheduled to expire in accordance with the provisions of this section. The board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the municipality[.] nor shall any member be an employee of the municipality.

(b) The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of section 906, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided

by law. Alternates shall hold no other elected or appointed office in the municipality any alternate act as an employee of including [membership on] service as a member of the planning commission [and] or as a zoning officer, nor shall any alternate be an employee of the municipality. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to section 907 unless designated as a voting alternate member pursuant to section 906.

Section 906. Organization of Board.—(a) The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in section 908.

(b) [If] The chairman of the board may designate alternate members of the board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to [provide] reach a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final [determination of] decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

(c) The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting
3

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

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

Mr. REICHLEY. Thank you, Mr. Speaker.

This is a situation which was brought to my attention by a township, which is probably a common occurrence in many municipalities where zoning boards sustain a vacancy at a certain point, either by death or resignation. Under current law, an alternate can fill in to form the quorum for the zoning board but without any voting powers. This amendment would establish the zoning board to have the power to let the alternate actually vote so the zoning board can conduct business. I believe the prime sponsor of this bill is not opposed—

The SPEAKER pro tempore. Would the gentleman suspend for one moment, please.

The gentleman, Mr. Reichley, deserves to be heard, and we would ask that the members lower the volume in the chamber, please.

Mr. REICHLEY. Thank you, Mr. Speaker.

I know we have got a lot of very weighty matters, and this may seem like not the most important thing, but it is to zoning boards, and I would appreciate the members providing an affirmative vote on this.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

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

NAYS—1

Kotik

NOT VOTING—0

EXCUSED—2

Costa Sturla

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Costa Sturla

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 818, PN 3109**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for impact of plat; and further providing for application for tentative approval of planned residential development.

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

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman, Mr. Grucela, has withdrawn his amendments. The Chair thanks the gentleman.

Does the gentleman, Mr. Reichley, withdraw his amendments? It is the understanding of the Chair that the gentleman, Mr. Reichley, has withdrawn his amendments. 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Costa Sturla

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.

RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for the immediate consideration of SB 892.

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

The following roll call was recorded:

YEAS—201

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Costa Sturla

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.

The SPEAKER pro tempore. The House will be at ease for a moment.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 892, PN 1613**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for the definition of "professional consultants"; and further providing

for contents of subdivision and land development ordinance and for release from improvement bond.

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

Mr. MAHER offered the following amendment No. **A1811**:

Amend Sec. 1 (Sec. 107), page 4, line 2, by inserting after "ATTORNEYS."
certified public accountants.

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

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

Mr. Maher, the gentleman from Delaware, Mr. Vitali, would like to hear an explanation of your amendment.

Mr. MAHER. Oh, I am sorry, Mr. Speaker. I did not hear the interrogation. I am sorry.

The SPEAKER. We just asked for a brief explanation of the amendment, Mr. Maher.

Mr. MAHER. A very brief explanation, Mr. Speaker, is this simply adds to the enumeration of professions listed before the "and other" or "not limited to," and there is a similar amendment that has the same thing with respect to architects.

The SPEAKER. Mr. Vitali.

Mr. VITALI. Just put that in context. What does adding the word— The word is what, "certified public accountants"? Is that the word it adds?

Mr. MAHER. Those are the three words that it adds, yes.

Mr. VITALI. Okay. Now, give that a little context, if you could.

Mr. MAHER. The bill currently says, professionals, "including, but not limited to" – and I am doing this from memory – engineers, planners, et cetera, et cetera, et cetera, dealing with municipal planning and so forth, and architects are often involved in this, so rather than leaving the question of the interpretation of the statute at some later date, to ponder whether that without limitation was intended to include or to exclude, we are adding some clarity that to the extent that numbers may need to be crunched in connection with these exercises, that certified public accountants are recognized by this Commonwealth as professionals.

Thank you, Mr. Speaker.

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Maher amendment.

If you look specifically in the language of the bill, it provides for professional services, "but not limited to." It includes language already that could encompass certified public accountants. This is superfluous language, which is not necessary to the bill. That is my first objection.

The second objection I have, Mr. Speaker, is, this bill specifically enumerates attorneys, which is the direct result of this piece of legislation is to handle attorney's fees in municipalities, but it also goes on to enumerate land planners, architects, engineers, geologists, and so forth. All of those folks are directly related to the establishment of subdivision plans and/or the review process of subdivision plans. They are all

spelled out specifically in the legislation for a reason. The language that the gentleman from Allegheny County wants to include is already there by saying other professionals, because it says “but not limited to,” and I would suggest that we vote against the Maher amendment and move this bill along.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I must thank my colleague for the interesting argument that because he believes the legislative intent would be to embrace C.P.A.s, that the bill should be left without specificity to make that clear. If he is genuine in his belief that C.P.A.s are intended to be embraced in the existing language, certainly there is no good reason to oppose the clarity.

I would add that the Builders Association has taken a neutral position on this. They have no opposition; they are for clarity. And I would certainly remind everybody that this bill will need to be returned to the Senate in any case, because it was already amended in committee.

So given that circumstance, I would ask your support to add the clarity that the bill will read as the gentleman indicates he believes it is already intended to be understood.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McNaughton, for the second time.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Allegheny County just brought up a very good point, and I appreciate him doing so.

He specifically stated that this language needs to be included so that it is enumerated that certified public accountants are covered. The difficulty I have with that is, though, what about every other professional that is not enumerated in this language? If the legislative intent, as he is so concerned about, is to enumerate anyone in any municipality who does any work for a municipality, I would suggest to him that “certified public accountants” is not the end of the list that should be included if it is enumerated.

The problem I have with this is, if the legislative intent is to include everyone, let us just leave it as it says, “including, but not limited to.” If we continue to enumerate individuals, when there is a court challenge, what the court will say is, the legislature was very specific in excluding individuals or including individuals in this legislation, and therefore, your profession is not covered.

I do not want to go down that slippery slope, Mr. Speaker, and I ask for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COY. Thank you, Mr. Speaker.

Could you give me one moment, please.

Thank you, Mr. Speaker.

Mr. Speaker, I just want to indicate that we have been also in touch with the folks that represent the C.P.A.s in Pennsylvania, and they certainly have no objection to this, and so we would join in support of the Maher amendment.

Thank you, Mr. Speaker.

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—198

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

NAYS—3

McNaughton	O’Neill	Sather
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NOT VOTING—0

EXCUSED—2

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

On the question,

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

Mr. MAHER offered the following amendment No. A1906:

Amend Sec. 1 (Sec. 107), page 4, line 2, by inserting after “TO,” architects.

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

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

Mr. MAHER. Mr. Speaker, this just continues enumeration to clarify that architects are part of that professional group that one would reasonably expect would be providing a service.

Thank you, Mr. Speaker.

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—201

Table listing names of members who voted 'YEAS' for amendment A1906, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, S. E., Corrigan, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Killion, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug.

Table listing names of members who did not vote: Egolf, Evans, D., Lescovitz, Levdansky, Rubley, Ruffing, Perzel, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—2

Table listing names of excused members: Costa, Sturla.

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?

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

The following roll call was recorded:

YEAS—200

Table listing names of members who voted 'YEAS' for amendment A1906, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, S. E., Corrigan, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Killion, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Raymond, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams.

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

NAYS—1

Watson

NOT VOTING—0

EXCUSED—2

Costa Sturla

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

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority Appropriations chairman, the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

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

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 1965, PN 2564

An Act repealing the act of June 4, 1945 (P.L.1191, No.413), entitled "An act to authorize the Pennsylvania Post-War Planning Commission under certain conditions to enter into agreements with political subdivisions of this Commonwealth for the financing of plans and specifications for public works; and making an appropriation."

HB 2081, PN 3424

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for early termination of housing rental agreement; and providing penalties.

HB 2512, PN 4229

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for definitions; providing for passage of title to milk; further providing for

security bonds, for bonds, for the security fund and for new licenses; providing for review of security; and further providing for trusteeship, for prohibitions and violations and for penalties.

SB 200, PN 1765

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

SB 922, PN 1438

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

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

REPUBLICAN CAUCUS

The SPEAKER. There will be an immediate Republican caucus for a duration of no longer than 30 minutes, at which time we will make an announcement as to whether or not there will be any official business on the floor at the end of the 30 minutes.

Does the Democrat caucus chairman wish to make an announcement? Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there is no need for a Democratic caucus. The question before us is whether we are going to vote on discharge of SB 9. I think we have caucused that enough.

The SPEAKER. I would like to remind the Appropriations Committee members, there is an immediate meeting of the Appropriations Committee.

LETTER SUBMITTED FOR THE RECORD

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

Mr. HUTCHINSON. Mr. Speaker, I have some remarks I would like to spread upon the record.

The SPEAKER. The gentleman is in order, and his remarks will be spread across the record.

Mr. HUTCHINSON submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

COMMITTEE MEETING POSTPONED

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

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

The announcement yesterday was that there would be a meeting of the House Local Government Committee today. It has been postponed until tomorrow at the call of the Chair, and I will make an announcement at that time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House is now recessed to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(BRETT FEESE) PRESIDING**

The SPEAKER pro tempore. The House will come to order.

For the information of the members, there will be no further votes this evening; for the information of the members, there will be no further votes this evening.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. O'Neill, rise?

Mr. O'NEILL. To correct the record.

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

Mr. O'NEILL. Mr. Speaker, on SB 892, amendment 1811, I was recorded in the negative by mistake. It should be the positive.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Mr. O'NEILL. Thank you.

RULES COMMITTEE MEETING

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

BILL REREPORTED FROM COMMITTEE

HB 2749, PN 4223 By Rep. S. SMITH

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for referenced standards; and abrogating regulations.

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 2749, PN 4223.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2749 be recommitted to the Committee on Appropriations.

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

BILLS REREPORTED FROM COMMITTEE

HB 56, PN 4242 By Rep. ARGALL

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.

APPROPRIATIONS.

HB 2452, PN 3488 By Rep. ARGALL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "installment sales method of reporting" for purposes of the personal income tax.

APPROPRIATIONS.

HB 2655, PN 3954 By Rep. ARGALL

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

APPROPRIATIONS.

HB 2666, PN 3972 By Rep. ARGALL

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

APPROPRIATIONS.

HB 2744, PN 4159 By Rep. ARGALL

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

APPROPRIATIONS.

SB 217, PN 1758 By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Commission on Sentencing; further providing for intermediate punishment guidelines; providing for State intermediate punishment guidelines; further providing for sentencing generally, for partial confinement, for total confinement, for intermediate punishment and for modification of intermediate punishment; providing for revocation of State intermediate punishment; further providing for county intermediate punishment; providing for State intermediate punishment; codifying provisions relating to reporting functions of the

Department of Corrections; making a repeal related to the codification; and making editorial changes.

APPROPRIATIONS.

SB 679, PN 1549 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, prohibiting possession or transporting of liquefied ammonia gas under certain circumstances; prohibiting possession of certain precursors and chemicals used in the manufacture of controlled substances; and imposing duties and responsibilities relating to clandestine drug laboratories upon the Pennsylvania State Police.

APPROPRIATIONS.

SB 689, PN 1786 (Amended) By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development; providing for staffing levels and limitations on inmate capacity at State correctional institutions, for definitions, for collection of cash deposits by public utilities as a condition of provision or reconnection of services and for procedures for notice of termination of utility service; authorizing the Pennsylvania Public Utility Commission to mediate payment agreements and accept customer complaints; providing for landlord duties, for reporting of delinquent customers and for reporting of recipients of public assistance; and abrogating certain regulations and ordinances of first class cities relating to public utilities.

APPROPRIATIONS.

SB 979, PN 1779 By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for declaration of policy; defining "contemporaneous alternative method"; repealing provisions relating to videotaped depositions by a child victim or child material witness; further providing for recorded testimony, for testimony by contemporaneous alternative methods, for admissibility of certain statements, for hearsay, for use of dolls, for child victims of sexual or physical abuse and for comparative negligence.

APPROPRIATIONS.

SB 1092, PN 1557 By Rep. ARGALL

An Act designating the proposed Route 222 bypass in Lehigh County from the point immediately South of I-78 in Lower Macungie Township, Lehigh County through portions of Upper Macungie Township, Lehigh County to the south interchange of Route 100 in Lower Macungie Township, Lehigh County as the Fred Jaendl Memorial Highway.

APPROPRIATIONS.

SB 1095, PN 1565 By Rep. ARGALL

An Act designating Exit 182 on Interstate 81 in Lackawanna County as the Chuck Mattei Interchange.

APPROPRIATIONS.

SB 1184, PN 1734

By Rep. ARGALL

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.

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 1184, PN 1734.

RECESS

The SPEAKER pro tempore. The 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

The SPEAKER. We are about to start the calendar, and votes will be taken momentarily.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move for an immediate suspension of the rules to bring up HB 56, PN 4242.

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

The following roll call was recorded:

YEAS—200

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	Mann	Schroder
Barrar	Forcier	Markosek	Scrimenti
Bastian	Frankel	Marsico	Semmel
Bebko-Jones	Freeman	McCall	Shaner
Belardi	Gabig	McGeehan	Smith, B.
Belfanti	Gannon	McGill	Smith, S. H.
Benninghoff	Geist	McIlhattan	Solobay
Biancucci	George	McIlhinney	Staback
Birmelin	Gergely	McNaughton	Stairs
Bishop	Gillespie	Melio	Steil
Blaum	Gingrich	Metcalfe	Stern
Boyd	Godshall	Micozzie	Stetler
Browne	Good	Millard	Stevenson, R.

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

NAYS—0

NOT VOTING—1

Manderino

EXCUSED—2

Costa Sturla

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.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 56, PN 4242**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The **SPEAKER**. The Chair notes the presence on the floor of the hall of the House of the gentleman from Allegheny, Mr. Costa. His name will be removed from the leave of absence, and his name will be placed back on the master roll.

CONSIDERATION OF HB 56 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—2

Manderino Thomas

EXCUSED—1

Sturla

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.

CALENDAR CONTINUED

DISCHARGE RESOLUTION

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

Mr. SCHRODER. Thank you, Mr. Speaker.

At this time I call up House discharge resolution No. 3 and wish to be recognized on the resolution.

The SPEAKER. The gentleman from Chester, Mr. Schroder, calls up discharge resolution No. 3, which will be read by the clerk.

Mr. SCHRODER called up **Discharge Resolution No. 3**, entitled:

In the House, June 16, 2004

Discharging the Committee on Judiciary from further consideration of Senate Bill No. 9, Printer's No. 1416.

On the question,

Will the House adopt Discharge Resolution No. 3?

The SPEAKER. For the information of the members, debate on the motion to discharge SB 9 from the Judiciary Committee is limited solely to the reasons for or against discharging the bill from committee. Debate on the subject of the bill or on the issue of caps or noneconomic damages is not permitted. Because the debate is very narrow in scope, we will be monitoring the remarks of the members very carefully to ensure that they stay within the parameters.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The minority whip requests a leave of absence for the gentledady from Philadelphia, Ms. MANDERINO. Without objection, that leave of absence will be granted.

CONSIDERATION OF DISCHARGE
RESOLUTION NO. 3 CONTINUED

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I feel that we have done all that we can and taken all the steps that we possibly can to avoid coming to this moment and bringing this resolution up for a vote.

Mr. Speaker, earlier in the week this House passed by 122 votes, I believe, HB 2722, which was the Payne bill, which would provide for caps on noneconomic damages in medical malpractice cases only. Now, the reason why we did this, Mr. Speaker, is because there were discussions with the Senate, and they basically said, follow us; we will show you the way home on this issue; send the Payne bill over; we will get the job done by the end of the week so that we can complete the first step of the three-step constitutional amendment process.

Mr. Speaker, could I ask for a little order?

The SPEAKER. The gentleman, Mr. Schroder, is correct. There is entirely too much noise on the floor of the House. This is a very important matter before the General Assembly. The gentleman is entitled to be heard.

Mr. SCHRODER. So, Mr. Speaker, in—

The SPEAKER. Excuse me. If we cannot keep the noise level down, we will have to start taking the staff and other people off the floor of the House.

Mr. Schroder.

Mr. SCHRODER. So, Mr. Speaker, in good faith we cooperated and we debated the merits of the Payne proposal, HB 2722, and it passed with a healthy margin in this House. We waited around all day yesterday to see what would become of this bill over in the Senate. We broke here early last night — I forget exactly what time; 6 o'clock, 7 o'clock, sometime in the early evening — and we were still waiting to see what would happen with the Payne proposal.

Well, Mr. Speaker, long after we left this Capitol last night, in a stealth maneuver, under cover of darkness, well after the midnight hour, the Senate Judiciary Committee took action, and the action they took was to table HB 2722 and eliminate any possibility that this bill would make it through the Senate in time, any possibility that it would get to the floor of the Senate, and therefore, HB 2722 is no longer a viable way to accomplish the first step of the constitutional process that, as we all know, has to be accomplished before we adjourn if we are to keep this issue alive.

So, Mr. Speaker, I think we have taken every conceivable step possible to avoid this discharge resolution, which, if passed, will discharge the House Judiciary Committee from further consideration of SB 9.

I am urging that we pass this discharge resolution so that we can bring SB 9 to the floor today for its first reading, today being Thursday, and if we are successful, we will have time to consider SB 9 on its merits. We will control the process. It will be in our hands, and we will be able to honor the commitment that so many of us have made to the people and the patients and the health-care community of Pennsylvania by completing the first step to enact caps on noneconomic damages in medical malpractice cases.

Thank you, and I ask for your support, a "yes" vote on the discharge resolution.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the remainder of the day for Mr. CREIGHTON. Without objection, that leave will be granted.

CONSIDERATION OF DISCHARGE RESOLUTION NO. 3 CONTINUED

PARLIAMENTARY INQUIRY

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

Mr. VITALI. Thank you, Mr. Speaker.

A parliamentary inquiry.

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

Mr. VITALI. I just note for the record some members not in their seats, not in the hall of the House. I want to make sure, given the importance of this resolution, that only members physically present in their seats are voting. What I want to do is ask how we can ensure – and I see roughly about maybe 25 percent of the seats empty—

The SPEAKER. Mr. Vitali? Mr. Vitali, why do you not go down and talk to your whip and have him challenge members on the floor of the House.

Mr. VITALI. Is that what you are suggesting—

The SPEAKER. That is who has the right on the floor of the House to object to someone being on the floor of the House. Go down and ask him, and he will read off the names, Mr. Vitali.

Mr. VITALI. So is the Speaker—

The SPEAKER. Mr. Vitali, go down and tell the whip that that is what you would like to do and he will read the names of the members off. That is the way it will occur.

Does the gentleman, Mr. DeWeese, seek recognition?

The Chair recognizes the gentleman from Bucks, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I rise in support of discharge resolution No. 3.

The issue has been before us for a number of years. We have tried almost every method to ensure that the people we represent have an opportunity through us to reflect their wishes. I have every confidence in this chamber that should this discharge resolution be successful and should we pass SB 9 for the first time and pass it for a second time in the next session and the citizens of Pennsylvania in a referendum approve the removal of the impediment in our Constitution to noneconomic damages, to caps on noneconomic damages, I have every confidence that this chamber will then be able to draft enabling legislation which is fair to all parties. This issue is much too important to not let the people we represent have a voice in this matter. This is the first step, and we all have to ask ourselves the question today, are the prerogatives and traditions of committee chair more important than the voices of the people we represent?

Thank you, Mr. Speaker.

The SPEAKER. Is the gentleman, Mr. Levdansky, seeking recognition?

PARLIAMENTARY INQUIRY

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

Mr. VITALI. Thank you, Mr. Speaker.

I would ask that you simply do not cut my microphone off as you did as I was in the middle of my past parliamentary inquiry. I have a right to be heard, as does every other member of this House, and what I was trying to ascertain was the procedure I would engage in to challenge floor members. I was asking you; I was not asking to be told to go to my leaders. I was asking you as the ultimate arbiter of the rules as to what I need to do—

The SPEAKER. See the majority leader or the minority leader—

Mr. VITALI. —and that is my question.

The SPEAKER. The gentleman can see the majority – the minority leader or the minority whip and they can challenge anybody's vote on the floor, which the gentleman well knows.

Mr. VITALI. It seems to me the practicalities of this involve keeping the floor open, keeping the vote board open long enough so that those votes can be challenged. So my question is, when we call for a vote, would some motion need to be made or would some steps need to be made so that there would be sufficient time to check those votes?

The SPEAKER. If the Democrat whip or the Democrat leader asks us to hold the board open so that they can challenge seats, that will be done.

Mr. VITALI. What if a rank-and-file member asked you based on his own motion to do that?

The SPEAKER. The gentleman can read rule 67, but it is not the custom of this House to allow rank-and-file members to challenge members in their seats.

Mr. VITALI. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority leader, who requests a leave of absence for the gentleman from Northampton, Mr. DALLY. Without objection, that leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Lancaster, Mr. Sturla. Without objection, his name will be placed on the master roll.

CONSIDERATION OF DISCHARGE RESOLUTION NO. 3 CONTINUED

The SPEAKER. Does the gentleman from Philadelphia, Mr. Cohen, seek recognition?

Mr. COHEN. Yes.

The SPEAKER. The gentleman, Mr. Cohen, is seeking recognition. He deserves to be heard.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we strongly oppose this discharge resolution. The constitutional provision limiting our ability in the legislature to impose caps limits our power to some degree but it also limits the power of various interest groups to make demands upon us. I believe that this is a reasonable constitutional provision, and I think that the Judiciary Committee and its chairman, Dennis O'Brien, have acted reasonably in keeping this out of our consideration.

All committees, in Democratic majorities and Republican majorities, have generally exercised the power to screen bills, and this is an important power. This power of the committee chairman should not be lightly abrogated. The Judiciary Committee certainly has flooded this committee – the Judiciary Committee has certainly flooded the House of Representatives over time with bills. There have been weeks in which over half the bills we voted on have been Judiciary Committee bills. So we certainly cannot say the Judiciary Committee over time has restricted the flow of legislation for us to vote on.

I believe the Judiciary Committee has acted reasonably in not reporting SB 9 out. I do not believe they have shown any arbitrariness of power. They have made a reasonable policy decision. I believe we ought to support the right of committee chairmen to make such policy decisions. My hope would be that someday the Democrats will be back in the majority and we will have the same power to do that as I am advocating for the Republican majority to have right now.

Whoever the majority party is, they ought to have the power to set the agenda, and it ought not to be just the power of the leadership. It ought to also be the power of the committee chairmen. The power ought to be broad. What we are dealing with in our decisionmaking process is a series of steps that legislation has to meet to earn public confidence and to earn public support. I believe SB 9 has not met the standards that are needed to win full public support, that Representative O'Brien has acted responsibly in this case, and I therefore strongly urge that we vote "no" on the discharge resolution.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and receives a leave of absence for the gentleman, Mr. GANNON, from the majority whip, Mr. Feese. Without objection, Mr. Gannon will be placed on leave.

CONSIDERATION OF DISCHARGE RESOLUTION NO. 3 CONTINUED

The SPEAKER. The Chair at this time recognizes the gentelady from Montgomery, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

This is a very serious action. This is a historic action that the House has embarked on, probably not ever having been pursued in the history of the Commonwealth, and this is not done lightly.

The rules of the House have provided for this last measure, this last option for the House, which is closest to the people of Pennsylvania, to speak out in defense of the people of Pennsylvania, and that is what is being done today.

The urgency of this legislation is clear. Approximately 1 year ago 130 members on the floor of this House voted that an emergency, an emergency amendment to the Constitution of Pennsylvania was needed. One year later we still must take action to protect our citizenry. Our trauma centers are closing. People have accidents, life-threatening accidents, and they cannot receive care. I represent a trauma center that was closed for nearly 2 weeks years ago. Patients cannot get specialty care because doctors who are specialists are leaving the State of Pennsylvania. Some people question whether doctors are leaving—

The SPEAKER. The Chair would respectfully request that the gentelady keep the debate on the motion to the discharge of SB 9 from the Judiciary Committee and limit the reasons to— Let me read exactly what you have to do. Debate on the motion to discharge SB 9 from the Judiciary Committee is limited solely to the reasons for or against discharging the bill from committee. Debate on the substance of the bill or the issue of caps or noneconomic damages is not permitted. Because the debate is very narrow in scope, we will be monitoring remarks, and the gentelady has surpassed the scope of what she is allowed to say.

Ms. BARD. Thank you very much, Mr. Speaker.

I stress the urgency of this measure. We cannot let this measure die in committee. We must vote on this legislation before we recess for the summer or this option is terminated for 2005 for a vote of the electorate. If this legislation advances, the General Assembly in the next session must again pass the same language before this can go to the people for a vote in 2005.

Mr. Speaker, I urge the General Assembly to keep this option available by voting for this discharge resolution so that the people can vote, people can keep this alive, so the people can vote in 2005.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House several guests of Representative Keith McCall. They are Ms. Mary Lou Kennedy Paul, Mr. Louie Paul, and Miss Krista Paul. Ms. Mary Lou Kennedy Paul is the district aide to Representative Keith McCall. She is the great-great-granddaughter of a former member, Representative George Kennedy from Schuylkill County, who served in this body from 1891 to 1894. Those guests are to the left of the Speaker. Would those guests please rise and be recognized.

CONSIDERATION OF DISCHARGE RESOLUTION NO. 3 CONTINUED

The SPEAKER. Please, keep the conversations down.

The Chair at this time recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The previous speaker talked about the historic nature of this vote, and the prime sponsor of this discharge resolution has talked about trying to get a first reading today, and he added,

today being Thursday. The calendar says Friday, July 2. In my inbox I have 38 e-mails that are dated July 2. So I think what he is referring to is that the legislature has not adjourned the Thursday session even though the time is 2:30 on Friday afternoon.

I am wondering, for his purposes, would it be better to offer his discharge resolution on Friday, July 2, since it actually is Friday, July 2, rather than calling into question this vote because we are doing it on a Thursday calendar even though it is actually Friday?

The SPEAKER. For the information of the gentleman, we are still in Thursday's legislative session.

At this time the Chair will recognize the gentleman from Butler, Mr. Metcalfe. The gentleman has the floor.

Excuse me, Mr. Metcalfe. Just one moment.

Mr. Metcalfe, I think that your colleagues should keep the noise level down a little bit.

The gentleman is entitled to be heard. This is an important day for the General Assembly. I would like the gentleman to be heard. Please.

Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I was not necessarily planning on speaking until I heard one of the earlier comments that was talking about why we should not vote for this discharge resolution and his own personal beliefs that this is not the right policy change. The fact is that we voted this policy change both in the House and the Senate, and it was passed, the concept of it. We passed it in the House much broader. The Senate passed it narrower and sent it over to us, but we have passed this concept that is here in this legislation, both in the House and the Senate this session. This is the final leg of the journey to put this out there so that we can consider again next session the same legislation so that hopefully the voters will have a chance in Pennsylvania to decide if they would like to amend their Constitution, our Constitution, the Pennsylvania Constitution, to limit and set caps on noneconomic damages for lawsuits, lawsuits that are not only hurting the medical community but hurting the business community, hurting consumers.

But we do have, Mr. Speaker, a provision in our rules, rule 53, that actually allows for this, and I know we have heard reasoning why we should leave this in the hands of a committee chairman, and no disrespect to that committee chairman, but this rule was put in here just for this situation – so that if a committee chairman had some other belief besides what was the general will of the legislature, that you had an avenue to pursue around that committee chairman.

I am going to support this discharge resolution 3, Mr. Speaker, and another problem that some might see is that we might not have the 3 days to consider this in the final passage, but the rate at which we are moving legislation in this body over this week, we may very well be in here until Sunday morning.

So let us go ahead and pass this discharge resolution so we have the opportunity to help the doctors, to help the medical community, to help the patients, to help the consumers, and ultimately the taxpayers in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO ADJOURN

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

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

I move that we adjourn this House for Thursday's session immediately.

The SPEAKER. Does the gentleman want to give us a time to reconvene or do you want to just go home? You are not going to be popular no matter what you say now, Mr. DeWeese.

Mr. DeWEESE. I would certainly leave that to the discretion of the presiding officer. I think if we adjourn Thursday's session immediately, it would have certain tactical benefits among the membership, a wide variety of us, but nevertheless, we intend to move immediately into Friday's session. It is Friday in most of the rest of the Eastern United States, and due to the abstruse parliamentary maneuvering that we have all been a part of for a long time and has worked rather well, we can do just that.

So again I would move that we adjourn Thursday's session, since it is Friday, and commence Friday's session in 5 minutes, since it is Friday, but I would always – well, I should not say always, but I would happily acquiesce to the will of the presiding officer, the Speaker of the House. My suggestion would be that we commence in 5 minutes Friday's session.

Thank you.

The SPEAKER. It is moved by the gentleman, Mr. DeWeese, that this House do adjourn from Thursday's session into Friday's session at 2:45.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, Mr. Schroder.

Mr. SCHRODER. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. SCHRODER. If the gentleman's motion to adjourn is successful, would I not be allowed to call up discharge resolution No. 3 immediately upon moving into Friday's calendar?

The SPEAKER. The answer is, yes, you can.

Mr. SCHRODER. I thank the Speaker.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point.

Mr. DeWEESE. Who all – and I am asking out of naiveté – is available to debate this? The entire membership?

The SPEAKER. Just the leaders.

Mr. DeWEESE. Thank you, sir.

The SPEAKER. Does the gentleman, Mr. Smith, defer to the gentleman, Mr. Schroder?

The gentleman, Mr. Schroder, is recognized.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a “no” vote on adjournment.

Mr. Speaker, this could only be seen as a cynical attempt to try to run out the clock on this piece of legislation. Mr. Speaker, a “no” vote or – excuse me – a “yes” vote on adjournment will be interpreted as a vote against caps. It is just that simple. It will be seen as a ploy and a parliamentary maneuver to avoid this issue. So let us vote “no” on the motion to adjourn and get on with the resolution.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. LaGROTTA. Parliamentary inquiry, Mr. Speaker.

If you would ask the Parliamentarian, is a motion to adjourn not debatable? It was my understanding that there was nothing in order but the taking of the vote to adjourn.

The SPEAKER. Mr. LaGrotta, the leaders are permitted to debate, and as has been the course with both sides of the aisle, we have allowed the leaders to defer to one other member.

Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Mr. Speaker.

The SPEAKER. Mr. LaGrotta, I apologize if I did not make it clear that the gentleman, Mr. Smith, deferred to the gentleman, Mr. Schroder. I apologize for that.

At this time the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. “A cynical attempt...,” said the honorable gentleman from Chester. Well, at least the adjective modified a rather neutral noun in this chamber. One might parry the honorable member that from our point of view it is a cynical attempt to take a vote on Friday and pretend it is Thursday in order to advance his parliamentary goal. That might be cynical also, Mr. Speaker. But I am not offended by his enthusiasms or his passions; they are to be admired. But so should we have the chance to use every parliamentary arrow in our quiver.

If I might cut to the chase, it is the Fourth of July weekend; at least it is on the eve of that auspicious moment. We are not for arresting the rights of juries. We are for having the opportunity to go to court when one is grievously injured, and that is the crux of this issue and the crux of the gentleman’s parliamentary maneuver.

So why would we ask that Thursday’s session be adjourned on Friday? I will tell you why. Because if we prevail, it would be necessary for the honorable gentleman to stay an extra day here over the Fourth of July to get his wish. So we would prefer not to stay another day, and that is why I would ask for an affirmative vote that we adjourn Thursday’s session 24 hours late. It makes common sense to me, and unabashedly, it advances the causes that we, many of us on this side of the aisle, advocate, and that is to allow our jury system that has withstood the tests of time to endure, and quite frankly, we are, as Democrats, siding with some of your preeminent senior chairmen on the Republican side of the aisle. We think that this whole discharge concept could be perceived as cynical.

So I would ask for an affirmative vote that we discharge – that we not allow this discharge motion to go forward, and that we adjourn for Thursday and recommence in 5 minutes.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the hall of the House of the gentleman from Northampton, Mr. Dally. His name will be added to the master roll.

MOTION TO ADJOURN CONTINUED

The SPEAKER. The gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Just in brief response to the gentleman, if the motion to adjourn is successful, I will have no problem doing everything I can in my power to see that we are here Sunday, Monday, Tuesday, as long as it takes to get this job done.

The SPEAKER. I actually asked for this job.

It is the motion of the gentleman, Mr. DeWeese, that this House do now adjourn till 2:50 on Friday, since we went past 2:45.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. Does the gentleman, Mr. Vitali, wish to talk to his leaders?

If not, the clerk will record the vote.

The following roll call was recorded:

YEAS–95

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

NAYS–105

Adolph	Fairchild	Mackereth	Sather
Allen	Feese	Maher	Saylor
Argall	Fichter	Maitland	Scavello
Armstrong	Fleagle	Major	Schroder
Baker	Flick	Marsico	Semmel

Baldwin	Forcier	McGill	Smith, B.
Bard	Gabig	McIlhattan	Smith, S. H.
Barrar	Geist	McIlhinney	Stairs
Bastian	Gillespie	Metcalfe	Steil
Benninghoff	Gingrich	Micozzie	Stern
Birmelin	Godshall	Millard	Stevenson, R.
Boyd	Good	Miller, R.	Stevenson, T.
Browne	Habay	Miller, S.	Taylor, E. Z.
Bunt	Harhart	Mustio	Taylor, J.
Cappelli	Harris	Nailor	True
Causar	Hasay	Nickol	Turzai
Civera	Hennessey	O'Neill	Vance
Clymer	Herman	Payne	Veon
Coleman	Hershey	Petri	Watson
Cornell, S. E.	Hess	Phillips	Weber
Crahalla	Hickernell	Pickett	Wilt
Dailey	Hutchinson	Raymond	Wright
Dally	Kenney	Reed	Zug
Denlinger	Killion	Reichley	
DiGirolamo	Leh	Rohrer	
Egolf	Lewis	Ross	Perzel,
Evans, J.	Lynch	Rubley	Speaker

NOT VOTING—0

EXCUSED—3

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

The SPEAKER. The motion falls.

**CONSIDERATION OF DISCHARGE
RESOLUTION NO. 3 CONTINUED**

The SPEAKER. At this time the Chair recognizes the gentleman from Dauphin, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, it is no secret, as the sponsor of HB 2722, that I have wanted to do everything in my power to avoid the discharge vote, because I believe in my heart in the system that this great institution has in place.

However, after watching what has happened to HB 2722 in the Senate and not getting what I thought was a fair shake to at least have a vote in committee, have a vote on the floor in the Senate, but to have it tabled at 12:30 in the morning in a midnight raid, I feel compelled to stand before you and tell you that I am a “yes” vote on the discharge resolution.

I seem to remember that the med-mal, the docs’ problem, the caps were an issue that we all had to face, and I would like to ask my colleagues to vote “yes” on the discharge resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition of the discharge resolution.

We have in this House of Representatives, we have done the yeoman’s job of the heavy lifting when it comes to medical malpractice reform, when it comes to tort reform. In fact, we have done so much in the way of medical malpractice reform, we have three bills sitting in the Senate of the Commonwealth

of Pennsylvania. It is not the House of Representatives’ duty any longer to carry the water for the Senate of the Commonwealth of Pennsylvania. If they want to cowardly send this bill back to us and try to put the monkey on the back of the House of Representatives, that is wrong for the Senate of the Commonwealth of Pennsylvania. The issue is over in the Senate, and the Senate needs to act.

I ask for a “no” on discharge.

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

Mr. PALLONE. Thank you, Mr. Speaker.

I rise in objection to the discharge resolution.

This is the democratic process, and this is what this system is. The House passes a bill and sends it to the Senate, and the Senate operates on it however they so choose. Just as though they send their bills to us, we act on them and change them if we might, or act on them if we will. This is the process, and it is the process that we use in this chamber, in this forum. Who are we to come up and tell the Senate that they need to do something that they do not want to do? They operate their system; we operate our system, and we act on the bills as they come forward. This is the democratic process that the people of Pennsylvania send us to Harrisburg to do the work of the State.

Whether or not we want the caps, whether or not we want the underlying issue behind the discharge resolution, we have to accept what happens throughout the process when a bill runs through the House and the Senate and ultimately to the Governor, if it makes it that far.

Again, I encourage all of my colleagues to vote “no.”

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FLICK. Thank you, Mr. Speaker.

Normally I would not rise and speak in favor of a discharge resolution. I am a senior member; I am a chair, but I think that this issue goes far beyond the institution of the House. This is a constitutional amendment that needs to be put to the voters.

I have had a similar constitutional amendment in the Judiciary Committee since February 3, 2003. It is HB 3, meaning it is a very important piece of legislation. I would never turn my back to my colleagues if they asked for a resolution, a constitutional amendment to be voted on if I were the chair because I think it is bigger than just one individual.

I certainly respect the chairman of the committee. I have told the chairman that I feel this is very important, and the chairman said he understood and it is not personal, and it is not personal in this chamber. It is another way of conducting business so we get to the end of the route. This is the first step in a long process that will take many years, and I would urge all my colleagues to vote in favor of the discharge resolution.

The SPEAKER. Mr. DeWeese, at this point in time we see no other members up and we do know that you wanted to be—Mr. Schroder asked to be last and you asked to be next to last.

So at this time the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The reason I would advocate a negative vote on the discharge resolution is partly institutional and partly philosophical. As the previous speaker just said, he was somewhat hesitant except for the fact that this was a constitutional amendment.

As the honorable Speaker knows from almost three decades in this building, the same thing I know, a discharge resolution is

something that does not come along every day and many of us are quite chary about embracing the concept of a discharge resolution, especially chairmen, especially people who aspire to be chairmen. It certainly does vitiate the dynamics of a chairmanship. It denudes the muscularity of that wonderful assignment within this chamber and amongst our members.

The second phase of my observation would be the philosophical part, and last night in the Senate chamber, relatively the same language, if not exactly the same language, was rejected by some of the Republican lions of the Senate – Bob Jubelirer, and Stewart Greenleaf, Judge Lemmond, and Ms. White, and Ms. Earl. Five dominant lawyer Republicans said no to the language that my honorable colleague is trying to inject into today's debate.

Now, we can debate later on ad infinitum, ad nauseam, the efficacy of what he is trying to do. We all know that there is no agreement in the United States and certainly none in Pennsylvania as to whether it is a good idea to put caps on or not. That is up to our General Assembly. But when we have Republican members of the State Senate and Republican chairmen in this room siding with Democrats, it does not seem appropriate that on the eve of the Fourth of July we need to rush to a very, very unusual parliamentary process known as the discharge resolution.

What you are doing is stabbing the chairman in the back. It is a Benedict Arnold type of maneuver. You are saying to the chairman appointed by the Speaker, sustained by this room, this process, our collective House heritage, that your hegemony, your dominance, within your committee is inconsequential, and all of you aspire to be chairmen, and I was privileged to be the Judiciary chairman in the late 1980s. There is no better job than being a hard-charging chairman, and this action certainly extirpates any kind of enthusiasm and leadership that that job allows.

I do not like the idea of a discharge resolution. I never have. I am certain that a handful of people who will vote in favor of the gentleman from Chester will do so with great reluctance, and I would hope that a majority of us would offer a negative vote and not sustain the gentleman's effort to discharge this piece of legislation.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I obviously take issue with some of the remarks of the distinguished gentleman, especially when he says that the discharge resolution, the process, will render inconsequential the roles of committee chairmen in this House. I do not believe that at all.

First of all, our House rules allow for what is admittedly an extraordinary step to be taken of discharge. It is not a step to be taken lightly. Indeed, I do not take any pleasure in advocating this step. The signers of the discharge resolution and those who will vote for discharge today do not relish doing what we feel we must do.

Some members have commented publicly and in conversations with me that they are concerned about the precedent this will set. There is a fear that we will be flooded with discharge resolutions and the carefully crafted balance of the roles of leadership, committee chairmen, and rank and file will be upended, but, Mr. Speaker, I respectfully disagree.

Mr. Speaker, I have been here for 10 years. Many of you have been here longer and some not as long. During that time I have seen many bills in committees that I would have loved to have seen reported out, and I think we can all probably say the same thing, but, Mr. Speaker, we do not go out and file discharge resolutions as a matter of course to get those bills out of committee. I believe that the same institutional pressures and traditions under which this House operates will still be present to prevent the misuse of discharge resolutions even when this effort succeeds.

Mr. Speaker, I believe that several important factors have converged to necessitate this effort to discharge SB 9. First, the House has overwhelmingly expressed its support for this very proposal on several occasions and most notably, with the exception of one comma difference, earlier this week.

And most importantly, if we do not act, if we do not act now, this measure dies. Mr. Speaker, this could very well be the last and final vote that we are going to take on the constitutional amendment process for medical malpractice caps. A "no" vote on discharge will not be interpreted any other way than a "no" vote against caps.

I ask for your support.

PARLIAMENTARY INQUIRY

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

Mr. ROEBUCK. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. ROEBUCK. What is the vote needed for this resolution? Is it 102?

The SPEAKER. It is 102.

Mr. ROEBUCK. Thank you.

On the question recurring,
Will the House adopt Discharge Resolution No. 3?

The following roll call was recorded:

YEAS-93

Adolph	Fleagle	Major	Sather
Allen	Flick	Mann	Saylor
Argall	Forcier	Markosek	Scavello
Armstrong	Gabig	Marsico	Schroder
Baker	Gillespie	McIlhattan	Semmel
Baldwin	Gingrich	McIlhinney	Smith, B.
Bard	Godshall	Metcalfe	Smith, S. H.
Barrar	Habay	Millard	Steil
Bastian	Harhart	Miller, R.	Stern
Belfanti	Harris	Miller, S.	Stevenson, R.
Benninghoff	Herman	Mustio	Stevenson, T.
Birmelin	Hershey	Nailor	Taylor, E. Z.
Boyd	Hess	Nickol	True
Cappelli	Hickernell	O'Neill	Turzai
Causar	Hutchinson	Payne	Vance
Clymer	Killion	Petri	Watson
Coleman	Leach	Phillips	Weber
Cornell, S. E.	Lederer	Pickett	Wilt
Crahalla	Leh	Raymond	Wright
Denlinger	Lewis	Reed	Yewcic
DiGirolamo	Lynch	Reichley	
Egolf	Mackereth	Rohrer	
Fairchild	Maher	Ross	Perzel,
Feese	Maitland	Rubley	Speaker

NAYS—107

Bebko-Jones	Eachus	LaGrotta	Santoni
Belardi	Evans, D.	Laughlin	Scrimenti
Biancucci	Evans, J.	Lescovitz	Shaner
Bishop	Fabrizio	Levdansky	Solobay
Blaum	Fichter	McCall	Staback
Browne	Frankel	McGeehan	Stairs
Bunt	Freeman	McGill	Stetler
Butkovitz	Geist	McNaughton	Sturla
Buxton	George	Melio	Surra
Caltagirone	Gergely	Micozzie	Tangretti
Casorio	Good	Mundy	Taylor, J.
Cawley	Goodman	Myers	Thomas
Civera	Grucela	O'Brien	Tigue
Cohen	Gruitza	Oliver	Travaglio
Corrigan	Haluska	Pallone	Veon
Costa	Hanna	Petrarca	Vitali
Coy	Harhai	Petrone	Walko
Cruz	Harper	Pistella	Wansacz
Curry	Hasay	Preston	Washington
Dailey	Hennessey	Readshaw	Waters
Daley	Horsey	Rieger	Wheatley
Dally	James	Roberts	Williams
DeLuca	Josephs	Roebuck	Wojnaroski
Dermody	Keller	Rooney	Youngblood
DeWeese	Kenney	Ruffing	Yudichak
Diven	Kirkland	Sainato	Zug
Donatucci	Kotik	Samuelson	

NOT VOTING—0

EXCUSED—3

Creighton Gannon Manderino

Less than the majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and Discharge Resolution No. 3 was not adopted.

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 Juniata, Mr. Harris.

Mr. HARRIS. Mr. Speaker, I move that this House do now adjourn until Friday, July 2, 2004, at 3 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 2:59 p.m., e.d.t., Friday, July 2, 2004, the House adjourned.