

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 16, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 18

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. HAROLD L. MELE, JR., Chaplain of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

Dear Father, I thank You that we live in a Commonwealth governed by the rule of law. For that reason I pray for all persons elected to the Pennsylvania House of Representatives. I ask You to prosper their endeavors, give them wisdom as well as protection, for each and every elected official here today.

Bless the supporting staff in this House and also the visitors that we have with us this morning.

Give these Representatives supernatural insight in performing their duties to the constituents of the Commonwealth of Pennsylvania. Grant them divine intervention, and help them to achieve the pinnacle of success to be pleasing to You.

Father, I pray for Your presence of not only these officials but their family members as well, and also newly elected John Siptroth and his family, and all those that they may come in contact with.

Bless this House once again with Your presence, and we will be sure to always thank You for it.

We pray all these things in Your name. 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 Tuesday, March 15, 2005, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 984** By Representatives SAINATO, PAYNE, FREEMAN, STABACK, DeWEESE, NAILOR, BELARDI, CAPPELLI, FRANKEL, PHILLIPS, BAKER, SAYLOR, TIGUE, CALTAGIRONE, CRAHALLA, SHANER, JAMES, WALKO, FAIRCHILD, LaGROTTA, GEORGE, HENNESSEY, GEIST, WASHINGTON, READSHAW, BEBKO-JONES, HUTCHINSON, FABRIZIO, SEMMEL, TANGRETTI, PRESTON, MANN, BROWNE, PETRARCA, BELFANTI, BOYD, YOUNGBLOOD, FICHTER and MUNDY

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

Referred to Committee on FINANCE, March 16, 2005.

**No. 985** By Representatives SAINATO, LaGROTTA, WALKO, CRAHALLA, DeWEESE, McILHATTAN, R. STEVENSON, GRUCELA, NAILOR, HARHAI, SOLOBAY, BAKER, READSHAW, LEDERER, YOUNGBLOOD, BELFANTI, BELARDI, THOMAS, RUBLEY, DeLUCA, CAUSER, MANN, KOTIK, CAWLEY, SCAVELLO, WHEATLEY, PETRARCA, BLACKWELL, FABRIZIO, McGEEHAN, O'NEILL, FRANKEL, DONATUCCI, FREEMAN, BISHOP, WASHINGTON, BROWNE, KIRKLAND, COSTA, RAYMOND and DALEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug-free zones; and making an appropriation.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 986** By Representatives SAINATO, GEORGE, HENNESSEY, CORRIGAN, GOODMAN, CORNELL, CAPPELLI, SCAVELLO, GRUCELA, HARHAI, FAIRCHILD, DeLUCA, BELARDI, THOMAS, RUBLEY, READSHAW, LEDERER, YOUNGBLOOD, BELFANTI, DALEY, McCALL, KOTIK, CAWLEY, JOSEPHS, FABRIZIO, W. KELLER, O'NEILL, WASHINGTON, BROWNE, KIRKLAND, GEIST, WANSACZ, PETRARCA, CALTAGIRONE and SHANER

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

Referred to Committee on AGING AND OLDER ADULT SERVICES, March 16, 2005.

**No. 987** By Representatives W. KELLER, S. H. SMITH, BLAUM, CALTAGIRONE, CAPPELLI, CAWLEY, CRAHALLA, CRUZ, DALEY, FABRIZIO, GEORGE, JAMES, JOSEPHS, McGEEHAN, McILHATTAN, MELIO, R. MILLER, RUBLEY, SCAVELLO, STERN, TANGRETTI, TIGUE, WATSON, WHEATLEY, YOUNGBLOOD, DIVEN, PISTELLA and HENNESSEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the scholarship organization educational improvement tax credit programs.

Referred to Committee on EDUCATION, March 16, 2005.

**No. 988** By Representatives CIVERA, CALTAGIRONE, DENLINGER, GEIST, GEORGE, GOOD, HENNESSEY, HESS, PRESTON, E. Z. TAYLOR, WATSON, YOUNGBLOOD, YUDICHAK and THOMAS

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, providing for a Deputy Secretary for Local Government Services in the Department of Community and Economic Development.

Referred to Committee on COMMERCE, March 16, 2005.

**No. 989** By Representatives CIVERA, BARRAR, BASTIAN, BEBKO-JONES, BUNT, CALTAGIRONE, CAPPELLI, CASORIO, CAUSER, CREIGHTON, DALEY, DALLY, DeLUCA, DeWEESE, ELLIS, J. EVANS, FABRIZIO, FICHTER, FLEAGLE, FORCIER, GEORGE, GILLESPIE, GOODMAN, HARHAI, HARHART, HERMAN, HUTCHINSON, KILLION, MARKOSEK, McILHATTAN, NAILOR, O'NEILL, PALLONE, PETRARCA, PISTELLA, READSHAW, REICHLEY, ROBERTS, ROHRER, SAINATO, SAYLOR, SCAVELLO, SOLOBAY, E. Z. TAYLOR, THOMAS, WASHINGTON, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption of persons, entities and vehicles from fees.

Referred to Committee on TRANSPORTATION, March 16, 2005.

**No. 990** By Representatives SANTONI, DeWEESE, BELARDI, COHEN, CREIGHTON, BELFANTI, READSHAW, YOUNGBLOOD, GRUCELA, LESCOVITZ, PAYNE, GODSHALL, MARKOSEK, CALTAGIRONE, HUTCHINSON, S. MILLER, McILHATTAN, GEIST, SCAVELLO, TIGUE, FAIRCHILD, FABRIZIO, R. MILLER, SEMMEL, HALUSKA, TANGRETTI, MANN, MCGILL, BEBKO-JONES, SATHER, GOODMAN, HERSHEY, TRUE, O'NEILL, MUNDY, HARPER, SAINATO, GOOD, PICKETT, B. SMITH, JAMES, LEACH, PETRARCA, BUXTON, CAPPELLI, CRAHALLA, HARHAI, DALEY, SHANER, PISTELLA, R. STEVENSON, BOYD, FREEMAN and THOMAS

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, providing for lifetime licenses for service dogs.

Referred to Committee on LOCAL GOVERNMENT, March 16, 2005.

**No. 991** By Representatives WALKO, HARHAI, READSHAW, THOMAS, CALTAGIRONE, COSTA, DALEY, DERMODY, FABRIZIO, FRANKEL, KOTIK, MAHER, MARKOSEK, PETRARCA, PETRONE, PISTELLA, SAINATO, SHANER, T. STEVENSON, WASHINGTON and YOUNGBLOOD

An Act making an appropriation to the Senator John Heinz Pittsburgh Regional History Center in Pittsburgh for operating expenses.

Referred to Committee on APPROPRIATIONS, March 16, 2005.

**No. 992** By Representatives WALKO, CALTAGIRONE, CASORIO, CREIGHTON, FABRIZIO, FRANKEL, JAMES, KOTIK, LEACH, MAHER, PISTELLA, SHANER, WHEATLEY and WILT

An Act regulating bail bond enforcement agents; requiring licensure and registration; and providing for penalties.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 993** By Representatives RAYMOND, BALDWIN, BARRAR, BENNINGHOFF, BISHOP, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, DALLY, FABRIZIO, FICHTER, FREEMAN, GEIST, GEORGE, GRUCELA, HARHART, HARPER, HARRIS, HERMAN, HUTCHINSON, JAMES, KAUFFMAN, M. KELLER, McILHATTAN, R. MILLER, S. MILLER, MUSTIO, O'NEILL, PETRARCA, PICKETT, ROEBUCK, ROSS, SCAVELLO, B. SMITH, STABACK, E. Z. TAYLOR, TIGUE, WATSON, YOUNGBLOOD and THOMAS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for program of continuing professional education.

Referred to Committee on EDUCATION, March 16, 2005.

**No. 994** By Representatives STAIRS, ROEBUCK, BROWNE, CLYMER, HERMAN, MACKERETH, T. STEVENSON, CURRY, GRUCELA, KIRKLAND, MUNDY, SHANER, STURLA, SURRA, BELFANTI, CALTAGIRONE, CAPPELLI, CRAHALLA, DALEY, J. EVANS, FAIRCHILD, FRANKEL, GEIST, GEORGE, GINGRICH, GODSHALL, GOOD, GOODMAN, HENNESSEY, HESS, JAMES, JOSEPHS, KOTIK, LEVDANSKY, MANN, McILHATTAN, S. MILLER, NAILOR, PETRARCA, PRESTON, RAPP, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, B. SMITH, STABACK, STERN, TANGRETTI, E. Z. TAYLOR, TIGUE, WALKO, YOUNGBLOOD and THOMAS

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

Referred to Committee on EDUCATION, March 16, 2005.

**No. 995** By Representatives LaGROTTA, CALTAGIRONE, DENLINGER, J. EVANS, HABAY, JAMES, JOSEPHS, LEDERER, PISTELLA, THOMAS, WALKO, WASHINGTON and YOUNGBLOOD

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, regulating the sale of dietary supplements.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 996** By Representatives LaGROTTA, DeWEESE, BEBKO-JONES, BELFANTI, BROWNE, CALTAGIRONE, CORRIGAN, CRAHALLA, EACHUS, J. EVANS, FABRIZIO, FREEMAN, GEIST, GEORGE, GOODMAN, HARPER, HERSHEY, JAMES, LEACH, LEDERER, McGEEHAN, MELIO, S. MILLER, PISTELLA, SAMUELSON, SOLOBAY, STABACK, E. Z. TAYLOR, THOMAS, WALKO, WASHINGTON and YOUNGBLOOD

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, regulating for pyrotechnics in certain buildings.

Referred to Committee on LOCAL GOVERNMENT, March 16, 2005.

**No. 997** By Representatives LaGROTTA, BEBKO-JONES, CALTAGIRONE, GRUCELA, HARHAI, LEDERER, PHILLIPS, STABACK and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of selling or furnishing liquor or malt or brewed beverages to minors.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 998** By Representatives LaGROTTA, BEBKO-JONES, CALTAGIRONE, CORRIGAN, GODSHALL, HARHAI, JAMES, LEDERER, LEVDANSKY, MANN, NICKOL, PHILLIPS, RAYMOND, READSHAW, SCAVELLO, WALKO and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for unlawful sound amplification systems.

Referred to Committee on TRANSPORTATION, March 16, 2005.

**No. 999** By Representatives LaGROTTA, DeWEESE, BEBKO-JONES, BELFANTI, BIANCUCCI, BLACKWELL, BUXTON, CALTAGIRONE, CORRIGAN, CURRY, DERMODY, EACHUS, J. EVANS, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERGELY, GOODMAN, HARHAI, HENNESSEY, JAMES, LEACH, LEDERER, LEVDANSKY, McGEEHAN, MELIO, MUNDY, PISTELLA, SOLOBAY,

STABACK, SURRA, TANGRETTI, THOMAS, TIGUE, WALKO, WASHINGTON and YOUNGBLOOD

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, requiring general exits in certain buildings.

Referred to Committee on LOCAL GOVERNMENT, March 16, 2005.

**No. 1000** By Representatives LaGROTTA, SAINATO, BELFANTI, CALTAGIRONE, EACHUS, PALLONE, PETRONE, PRESTON, STABACK, THOMAS, TIGUE, WASHINGTON and YOUNGBLOOD

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, providing for background checks of prospective members; and further providing for qualifications, tenure and compensation of members of an authority.

Referred to Committee on URBAN AFFAIRS, March 16, 2005.

**No. 1001** By Representatives LaGROTTA, BEBKO-JONES, BELFANTI, CALTAGIRONE, CRAHALLA, CRUZ, EACHUS, FABRIZIO, FREEMAN, GEORGE, GODSHALL, GOODMAN, HARRIS, HENNESSEY, HERSHEY, LEDERER, LEVDANSKY, McCALL, O'NEILL, PALLONE, PHILLIPS, PISTELLA, REICHLEY, RUFFING, SAINATO, SCAVELLO, SHANER, STABACK, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WASHINGTON, YOUNGBLOOD and YUDICHAK

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for when grandparents may petition for partial custody and visitation rights.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 1002** By Representatives LaGROTTA, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, CRAHALLA, CURRY, GOOD, GOODMAN, McGEEHAN, PISTELLA, ROEBUCK, SURRA, THOMAS, WALKO and WASHINGTON

An Act regulating the licensure of electrical contractors; providing for licensure by the Department of Labor and Industry and for its powers and duties; establishing the State-licensed Electrical Contractors Advisory Committee; providing penalties; and making an appropriation.

Referred to Committee on LABOR RELATIONS, March 16, 2005.

**No. 1003** By Representatives LaGROTTA, SCAVELLO, SAINATO, DeWEESE, BELFANTI, CALTAGIRONE, CAPPELLI, CASORIO, FABRIZIO, GOODMAN, KIRKLAND, PALLONE, RAYMOND, REICHLEY, SOLOBAY, WALKO and YOUNGBLOOD

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, providing for the definition of "State dog warden"; and further providing for appointment by nonprofit corporations, for costs and for disposition of money.

Referred to Committee on STATE GOVERNMENT, March 16, 2005.

**No. 1004** By Representatives McNAUGHTON, ARMSTRONG, BALDWIN, BARRAR, BENNINGHOFF, BROWNE, BUXTON, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALEY, DALLY, FICHTER, FLEAGLE, FREEMAN, GEIST, GODSHALL, GOODMAN, HARPER, HENNESSEY, HERSHEY, HESS, KILLION, LEACH, MCGILL, McILHINNEY, METCALFE, PALLONE, PETRARCA, PHILLIPS, REICHLEY, SAYLOR, SCAVELLO, SCHRODER, STABACK, STERN, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, THOMAS, WANSACZ, WASHINGTON, WATSON, WILT, MYERS and YOUNGBLOOD

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

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1005** By Representatives McNAUGHTON, BLACKWELL, BUXTON, CALTAGIRONE, CIVERA, CREIGHTON, CRUZ, J. EVANS, GEIST, GERGELY, GOODMAN, HENNESSEY, HESS, LEACH, LEDERER, PALLONE, PICKETT, REICHLEY, THOMAS, YOUNGBLOOD and MCGEEHAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "school bus."

Referred to Committee on TRANSPORTATION, March 16, 2005.

**No. 1006** By Representatives McNAUGHTON, BENNINGHOFF, BUNT, CAPPELLI, CURRY, DeLUCA, DeWEESE, FAIRCHILD, GEORGE, GODSHALL, GOODMAN, GRUCELA, HENNESSEY, HERSHEY, HUTCHINSON, JAMES, KOTIK, LEACH, LEDERER, MARKOSEK, MELIO, R. MILLER, PHILLIPS, PICKETT, PISTELLA, READSHAW, REICHLEY, SATHER, SCAVELLO, SOLOBAY, STABACK, R. STEVENSON, THOMAS, TIGUE, WALKO, WILT, YOUNGBLOOD and McILHATTAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions to the Muscular Dystrophy Association of refunds by checkoff.

Referred to Committee on FINANCE, March 16, 2005.

**No. 1007** By Representatives CREIGHTON, ARMSTRONG, BASTIAN, BENNINGHOFF, BOYD, CLYMER, ELLIS, HERSHEY, LEH, PETRARCA, ROHRER and STERN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the teaching of theories on the origin of man and earth.

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1008** By Representatives CREIGHTON, FORCIER and LEH

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

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1009** By Representatives CREIGHTON, ARMSTRONG, BASTIAN, BENNINGHOFF, BOYD, DALEY, ELLIS, FORCIER, GEIST, LEH, PALLONE, PETRARCA, STERN and R. STEVENSON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, repealing religious garb prohibitions.

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1010** By Representatives CREIGHTON, LEH and PETRARCA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for employment of school health personnel.

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1011** By Representatives CREIGHTON, FORCIER, GEIST, LEH, PETRARCA and PHILLIPS

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

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1012** By Representatives CREIGHTON, ARMSTRONG, BASTIAN, BENNINGHOFF, DALEY, ELLIS, FORCIER, GEIST, HERSHEY, LEH, PETRARCA, PHILLIPS, READSHAW, ROHRER, STERN and R. STEVENSON

An Act providing for the display of the national motto "In God We Trust" in classrooms and other areas in public school buildings.

Referred to Committee on EDUCATION, March 16, 2005.

**No. 1013** By Representatives WILLIAMS, BISHOP, BLACKWELL, CALTAGIRONE, CRUZ, D. EVANS, HENNESSEY, JAMES, JOSEPHS, W. KELLER, KENNEY, STETLER, WHEATLEY, YOUNGBLOOD and WATERS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for registry for lost or stolen firearms and for failure to report lost or stolen firearm.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 1014** By Representatives GEIST, McCALL, ARMSTRONG, BALDWIN, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALLY, J. EVANS, FAIRCHILD, GERBER, GILLESPIE, GOOD, HARRIS,

M. KELLER, W. KELLER, KILLION, MARSICO, McGILL, McILHINNEY, R. MILLER, NAILOR, PHILLIPS, PICKETT, PRESTON, REICHLEY, ROBERTS, SCAVELLO, SCHRODER, SHANER, B. SMITH, SOLOBAY, STAIRS, STERN, STURLA, SURRA, E. Z. TAYLOR, THOMAS, WALKO, WANSACZ, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an electronic titling program.

Referred to Committee on TRANSPORTATION, March 16, 2005.

**No. 1015** By Representatives TANGRETTI, BELFANTI, DALEY, EACHUS, FREEMAN, GEORGE, GOODMAN, HALUSKA, JAMES, JOSEPHS, KOTIK, LEVDANSKY, McILHATTAN, SHANER, THOMAS, WASHINGTON, REICHLEY, SOLOBAY and TIGUE

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, requiring prior approval for policy and rate changes under certain circumstances.

Referred to Committee on INSURANCE, March 16, 2005.

**No. 1016** By Representatives TANGRETTI, BELARDI, CALTAGIRONE, CORRIGAN, CRAHALLA, DeWEESE, FICHTER, GOODMAN, HARHAI, JAMES, MANN, McCALL, ROSS, SOLOBAY, TIGUE, READSHAW, SHANER, THOMAS and WOJNAROSKI

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for a loan program for local police agencies funded by a bond issuance and for the responsibilities of the Governor's Center for Local Government Services within the Department of Community and Economic Development; establishing the Police Agency Loan Fund; and conferring powers and duties on the Secretary of the Commonwealth and the Legislative Reference Bureau.

Referred to Committee on STATE GOVERNMENT, March 16, 2005.

**No. 1017** By Representatives TANGRETTI, BELFANTI, BUXTON, CALTAGIRONE, CAPPELLI, CORRIGAN, CRAHALLA, DeWEESE, GRUCELA, HENNESSEY, KOTIK, LEACH, LEDERER, McCALL, McILHATTAN, SCAVELLO, STETLER, THOMAS, YOUNGBLOOD, MARKOSEK, McGEEHAN, PISTELLA, SCHRODER, SURRA and WALKO

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for fees; and creating the County Dog Shelter Restricted Account.

Referred to Committee on LOCAL GOVERNMENT, March 16, 2005.

**No. 1018** By Representatives TANGRETTI, BELARDI, BELFANTI, CASORIO, DENLINGER, DeWEESE, FAIRCHILD, FREEMAN, GEIST, GEORGE, GRUCELA, HARHAI, HENNESSEY, KOTIK, McGEEHAN, PETRARCA,

REICHLEY, SANTONI, SOLOBAY, STURLA, WALKO, JAMES, LEDERER, R. MILLER, PISTELLA, ROSS, SHANER, STERN, E. Z. TAYLOR and WANSACZ

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, imposing surcharges on criminal convictions to fund start-up costs for municipalities desiring to create police departments; and establishing the Municipal Police Start-up Fee Fund.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 1019** By Representatives TANGRETTI, BEBKO-JONES, BELARDI, BELFANTI, CALTAGIRONE, CAWLEY, CORRIGAN, DeLUCA, FREEMAN, GEORGE, GOODMAN, GRUCELA, HARHAI, JAMES, LEACH, MICOZZIE, PALLONE, SHANER, STERN, E. Z. TAYLOR, WALKO, YOUNGBLOOD, HENNESSEY, W. KELLER, MANDERINO, NAILOR, PRESTON, SOLOBAY, SURRA, TIGUE and WHEATLEY

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for notification of clinical trial insurance coverage.

Referred to Committee on INSURANCE, March 16, 2005.

**No. 1020** By Representatives TANGRETTI, BALDWIN, BELARDI, BENNINGHOFF, BIANCUCCI, BIRMELIN, CALTAGIRONE, CLYMER, CORRIGAN, CRAHALLA, DENLINGER, ELLIS, GEORGE, HENNESSEY, KAUFFMAN, MARKOSEK, PYLE, SATHER, STABACK, STETLER, E. Z. TAYLOR, TURZAI, HARHAI, HERSHEY, LEH, McNAUGHTON, REED, SCAVELLO, STERN, R. STEVENSON, TIGUE and YUDICHAK

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for exclusion of abortion coverage for health care and disability insurance.

Referred to Committee on INSURANCE, March 16, 2005.

**No. 1021** By Representatives TANGRETTI, BEBKO-JONES, BELARDI, BIANCUCCI, BROWNE, CALTAGIRONE, CAWLEY, CORRIGAN, CURRY, FABRIZIO, FREEMAN, GEORGE, GOOD, HARHAI, JOSEPHS, PETRONE, PRESTON, SHANER, SURRA, WALKO, WOJNAROSKI, YOUNGBLOOD, GRUCELA, HENNESSEY, KOTIK, PISTELLA, READSHAW, SOLOBAY, THOMAS, WATERS and WRIGHT

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for risk-based capital ratios for hospital plan corporations and professional health services plan corporations.

Referred to Committee on INSURANCE, March 16, 2005.

**No. 1022** By Representatives BOYD, DeWEESE, STERN, KOTIK, RUBLEY, TRUE, DALLY, TIGUE, HERSHEY, CALTAGIRONE, SHANER, PICKETT, LEH, R. MILLER, ROSS, HENNESSEY, FREEMAN, WALKO, GEIST, REICHLEY, DENLINGER, CAWLEY, BALDWIN, LEACH, E. Z. TAYLOR, MANDERINO, JAMES, SOLOBAY,

GINGRICH, HICKERNELL, HARPER, GOODMAN, WILT, O'NEILL and NICKOL

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

Referred to Committee on HEALTH AND HUMAN SERVICES, March 16, 2005.

**No. 1023** By Representatives PRESTON, FLICK, SHAPIRO, READSHAW, CRAHALLA, ROONEY, SAINATO, SOLOBAY, TANGRETTI, BLACKWELL, BOYD, CALTAGIRONE, GEORGE, GOOD, HALUSKA, HARRIS, HENNESSEY, HERSHEY, JAMES, JOSEPHS, KIRKLAND, LEACH, MAHER, MARKOSEK, McCALL, McGEEHAN, MUNDY, PALLONE, PETRONE, PISTELLA, STURLA, TIGUE, WALKO, WANSACZ, WHEATLEY and YOUNGBLOOD

An Act providing for the notification of residents whose personal information data was or may have been disclosed due to a security system breach; and providing for penalties.

Referred to Committee on JUDICIARY, March 16, 2005.

**No. 1024** By Representatives GODSHALL, BELFANTI, BUNT, CAPPELLI, CRAHALLA, DeLUCA, NAILOR, SURRA, TANGRETTI, TIGUE and WALKO

An Act regulating the licensure of electrical contractors; establishing the State Board of Examiners of Electrical Contractors and providing for its powers and duties; providing penalties; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, March 16, 2005.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 151** By Representatives RAYMOND, CIVERA, BUXTON, MUSTIO, PAYNE, KILLION, KOTIK, BISHOP and DONATUCCI

A Resolution renaming the Commission on the Future of the Philadelphia, Pittsburgh and Harrisburg International Airports and the Southeastern Pennsylvania Transportation Authority and expanding its duties.

Referred to Committee on RULES, March 16, 2005.

**No. 153** By Representatives LaGROTTA, DeWEESE, SAINATO, BELFANTI, BROWNE, CALTAGIRONE, CAWLEY, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GEIST, GEORGE, GOODMAN, GRUCELA, McCALL, MELIO, MUNDY, O'NEILL, PALLONE, PHILLIPS, PISTELLA, READSHAW, SCAVELLO, SHANER, SOLOBAY, TANGRETTI, THOMAS, TIGUE, WALKO and YOUNGBLOOD

A Resolution urging the Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection to establish a task force to study the feasibility of implementing a water resource restoration sponsorship program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 16, 2005.

**No. 154** By Representatives LaGROTTA, THOMAS, BEBKO-JONES, CALTAGIRONE, CLYMER, CRAHALLA, HESS, JAMES, LEH, MANN, PALLONE, PETRARCA, READSHAW, ROEBUCK, SHANER, STABACK, TIGUE, WALKO and YOUNGBLOOD

A Resolution requesting the Auditor General to conduct performance audits of the Allegheny County Port Authority Transit System (PAT) and the Southeastern Pennsylvania Transportation Authority (SEPTA) and report the findings to the General Assembly.

Referred to Committee on TRANSPORTATION, March 16, 2005.

**No. 157** By Representatives WHEATLEY, BEBKO-JONES, BISHOP, BLACKWELL, CORRIGAN, CRUZ, FORCIER, FREEMAN, GOODMAN, GRUCELA, HARHAI, HARPER, HERSHEY, JAMES, KIRKLAND, LEDERER, LESCOVITZ, LEVDANSKY, McGEEHAN, McILHATTAN, MELIO, MYERS, OLIVER, O'NEILL, PHILLIPS, PISTELLA, PRESTON, READSHAW, ROSS, SAINATO, SAMUELSON, SANTONI, SCAVELLO, SHANER, STURLA, SURRA, TANGRETTI, THOMAS, TIGUE, WANSACZ, WATERS and YOUNGBLOOD

A Resolution recognizing March 7, 2005, as the 40th anniversary of Bloody Sunday, the beginning of the march from Selma to Montgomery, Alabama, organized to help win passage of a national voting rights law.

Referred to Committee on RULES, March 16, 2005.

**No. 159** By Representatives SAMUELSON, BEBKO-JONES, BENNINGHOFF, BROWNE, CALTAGIRONE, CAWLEY, COSTA, CREIGHTON, CURRY, DeLUCA, EACHUS, FABRIZIO, FAIRCHILD, FORCIER, FREEMAN, GERBER, GERGELY, GRUCELA, HALUSKA, HANNA, HARHAI, HUTCHINSON, JOSEPHS, KOTIK, LEACH, LESCOVITZ, MANDERINO, MANN, McCALL, MELIO, METCALFE, MUNDY, PALLONE, PETRARCA, PETRONE, PISTELLA, REED, ROBERTS, RUBLEY, SAINATO, SHANER, SHAPIRO, SOLOBAY, STEIL, SURRA, TANGRETTI, TIGUE, VITALI, WALKO, WHEATLEY, WILLIAMS, YEWIC and YUDICHAK

A Resolution amending House Rule 64.

Referred to Committee on RULES, March 16, 2005.

### 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 from the table:

HB 815;  
 HB 816;  
 HB 817;  
 HB 818;  
 HB 819;  
 HB 820;  
 HB 821;  
 HB 822;  
 HB 823; and  
 HB 399.

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

### BILLS ON SECOND CONSIDERATION

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

**HB 815, PN 848; HB 816, PN 849; HB 817, PN 850; HB 818, PN 851; HB 819, PN 852; HB 820, PN 853; HB 821, PN 854; HB 822, PN 855; HB 823, PN 856; and HB 399, PN 610.**

### 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 from the table:

HB 125;  
 HB 127;  
 HB 220;  
 HB 395;  
 HB 402; and  
 HB 612.

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

### BILLS ON SECOND CONSIDERATION

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

**HB 125, PN 1078; HB 127, PN 130; HB 220, PN 246; HB 395, PN 422; HB 402, PN 427; and HB 612, PN 685.**

### BILLS RECOMMITTED

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

HB 125;  
 HB 127;  
 HB 220;  
 HB 395;  
 HB 402; and  
 HB 612.

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

### PARLIAMENTARY INQUIRY

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

Mr. MAHER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAHER. Thank you, Mr. Speaker.

A couple years ago a member of this chamber was called to active duty, and there was some attention paid to the fact that this member of this chamber was a candidate for another office while a member on active duty and some question about whether or not that coincided with the Constitution. I am not to address that today, Mr. Speaker, but it certainly causes me to ask this question: What effect on the seating or swearing-in of a potential member would the fact that that potential member continues as a State employee working for an interstate commission of this Commonwealth?

The SPEAKER. Article II, section 6, of the Constitution of the Commonwealth of Pennsylvania reads as follows: "No member of Congress or other person holding any office (except of attorney-at-law or in the National Guard or in a reserve component of the armed forces of the United States) under the United States or this Commonwealth to which a salary, fee or perquisite is attached shall be a member of either House during his continuance in office." Accordingly, if a potential member were determined to be a civil officer, the seating of that potential determination would be subject to the will of the chamber.

Mr. MAHER. Thank you, Mr. Speaker.

A follow-up parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAHER. How is it determined whether an individual is an officer receiving a salary, fee, or perquisite? How do we make that determination, Mr. Speaker?

The SPEAKER. Although, Mr. Maher, there are court cases which identify and define a "civil officer," under other articles of the Constitution, there is no precedent to which the Chair is aware of that fits this fact pattern.

Mr. MAHER. Then, Mr. Speaker, if I could ask another parliamentary inquiry.

Absent the precedent that matches this particular fact pattern, what would be our procedure to reach a conclusion?

The SPEAKER. Either the question could be put to the Chair, after which the decision would be subject to the determination of the members of this chamber, or the House of Representatives does act as a judge of the qualifications of its members pursuant to Article II, section 9, of the State Constitution. Accordingly, the question could be put directly to

the members in the form of a motion challenging the seating of any member or any member-elect.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### 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 from the table:

HB 824;  
 HB 825;  
 HB 826;  
 HB 827;  
 HB 828;  
 HB 829;  
 HB 830;  
 HB 831;  
 HB 832;  
 HB 833;  
 HB 834;  
 HB 835;  
 HB 836;  
 HB 837;  
 HB 838;  
 HB 839;  
 HB 840;  
 HB 841;  
 HB 842;  
 HB 843;  
 HB 844;  
 HB 845;  
 HB 846;  
 HB 847;  
 HB 848;  
 HB 849;  
 HB 850;  
 HB 851;  
 HB 852; and  
 HB 853.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILLS ON SECOND CONSIDERATION

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

**HB 824, PN 857; HB 825, PN 858; HB 826, PN 859; HB 827, PN 860; HB 828, PN 861; HB 829, PN 862; HB 830, PN 863; HB 831, PN 864; HB 832, PN 865; HB 833, PN 866; HB 834, PN 867; HB 835, PN 868; HB 836, PN 869; HB 837, PN 870; HB 838, PN 871; HB 839, PN 872; HB 840, PN 873; HB 841, PN 874; HB 842, PN 875; HB 843, PN 876; HB 844, PN 877; HB 845, PN 878; HB 846, PN 879; HB 847, PN 880; HB 848, PN 881; HB 849, PN 882; HB 850, PN 883; HB 851, PN 884; HB 852, PN 885; and HB 853, PN 886.**

### BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

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

HB 824;  
 HB 825;  
 HB 826;  
 HB 827;  
 HB 828;  
 HB 829;  
 HB 830;  
 HB 831;  
 HB 832;  
 HB 833;  
 HB 834;  
 HB 835;  
 HB 836;  
 HB 837;  
 HB 838;  
 HB 839;  
 HB 840;  
 HB 841;  
 HB 842;  
 HB 843;  
 HB 844;  
 HB 845;  
 HB 846;  
 HB 847;  
 HB 848;  
 HB 849;  
 HB 850;  
 HB 851;  
 HB 852; and  
 HB 853.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 399 be recommitted 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 recognizes the majority whip, who moves for a leave of absence for the day for the gentlelady from Chester, Mrs. E. Z. TAYLOR; the gentleman from Chester, Mr. SCHRODER; and the gentleman from Butler, Mr. METCALFE. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for today for the gentleman from



Westmoreland, Mr. HARHAI; the gentleman from Luzerne, Mr. TIGUE; the gentleman from Philadelphia, Mr. RIEGER; the gentleman from Philadelphia, Mr. McGEEHAN; and the gentleman from Philadelphia, Mr. THOMAS. Without objection, those leaves will also be granted.

### GUESTS INTRODUCED

The SPEAKER. We have several guests here today of Representative Gingrich. We are pleased to announce that the guests are in the House gallery. They are the Junior Achievement representatives and students from all over Pennsylvania. Would those guests please rise and be recognized.

Please also welcome to the hall of the House and to the Capitol Ben Dooley. Ben lives in Warwick Township and attends Warwick Township School District, and he is the guest today of Representative Baldwin. That gentleman is seated in the gallery. Ben, please rise and be recognized.

### HARRISBURG HIGH SCHOOL STUDENTS INTRODUCED

The SPEAKER. We also have here guests today of Representative Ron Buxton, and Representative Buxton, you are recognized for the introduction of your guests.

Mr. BUXTON. Thank you, Mr. Speaker.

I welcome to our State Capitol and the House gallery today a group of young individuals from Harrisburg High School, sponsored by the Junior Chamber of Commerce. They grace our Capitol today with the intentions of becoming experts in the history of Liberty Day.

Liberty Day is celebrated each year in the United States as a remembrance of both the freedoms that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in the Constitution. James Madison, the United States fourth President, introduced the Bill of Rights into the first Congress of the United States. The Constitution then adopted the first 10 amendments, and James Madison later became the founding father of Liberty Day.

Our Constitution with its Bill of Rights is the document that gave birth to our nation. We are proud to be part of this historical day and honored to have the students from Harrisburg High School in attendance to embark on this occasion with us. Would the students from Harrisburg High School please rise and be recognized by the House of Representatives.

Thank you, Mr. Speaker.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of William R. Sovich, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring William R. Sovich.

Whereas, William R. Sovich earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. William is a member of Troop 280.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of William R. Sovich.

### FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members and guests that it has given permission to Rob Yannes from TV-13 to videotape and audiotape the swearing-in of John Siptroth.

We have also given permission to Liam McManus of BRC (Blue Ridge Communications) TV-13 to videotape with audio the swearing-in ceremony.

We have also given permission to David Kidwell from the Pocono Record to take still photography of the Siptroth swearing-in ceremony.

### FORMER MEMBER WELCOMED

The SPEAKER. Before we go to the swearing-in ceremony, I would like to note on the floor of the hall of the House a distinguished former member, Representative Joseph Battisto. Would that guest please rise.

### SPECIAL ORDER OF BUSINESS

#### SWEARING-IN OF NEW MEMBER

The SPEAKER. Without objection, the House will now take up a special order of business, the swearing-in of Representative-elect John Siptroth. The Chair hears no objections.

### ELECTION RETURNS PRESENTED

The SPEAKER. The Chair recognizes the Sergeant at Arms of the House of Representatives.

The SERGEANT AT ARMS. Mr. Speaker, Deputy Secretary Aumiller.

The SPEAKER. The Chair recognizes Deputy Secretary Aumiller.

Mr. AUMILLER. Mr. Speaker, I have the honor of presenting the returns and the statement of campaign expense compliance for the special election held February 8, 2005, in the 189th Legislative District.

The SPEAKER. The Chair thanks Deputy Secretary Aumiller.

The clerk will read the returns.

The following election returns were read:

#### COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the One hundred eighty-ninth Legislative District, as the same has been certified to and filed with my office by the Monroe and Pike County Boards of Elections. John J. Siptroth, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this fifteenth day of March in the year of our Lord two thousand five and of the Commonwealth the two hundred twenty-ninth.

Pedro A. Cortés  
Secretary of the Commonwealth

\* \* \*

**ELECTION RESULTS**

**SPECIAL ELECTION  
REPRESENTATIVE IN THE GENERAL ASSEMBLY  
189th Legislative District  
MONROE AND PIKE COUNTIES  
FEBRUARY 8, 2005**

**OFFICIAL RESULTS**

**VOTE  
TOTALS**

Democratic – John J. Siptroth	3,455
Republican – Diane Hannan	3,244

Commonwealth of Pennsylvania  
Department of State  
Bureau of Commissions, Elections and Legislation  
March 15, 2005

**CERTIFICATE ON ELECTION EXPENSES**

**COMMONWEALTH OF PENNSYLVANIA**

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 189th District in the Special Election held February 8, 2005, John J. Siptroth, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled “Primary and Election Expenses.”

(SEAL) Witness my hand and the seal of the office of the Secretary of the Commonwealth this fifteenth day of March, 2005.

Pedro A. Cortés  
Secretary of the Commonwealth

**COMMITTEE APPOINTED TO  
ESCORT MEMBER-ELECT**

The SPEAKER. The Chair at this time appoints the majority leader, the Honorable Samuel Smith, and the Democrat leader, the Honorable H. William DeWeese, to escort Representative-elect Siptroth to the well of the hall of the House for the purpose of taking the oath of office. The committee will proceed to its duties.

The Chair thanks the committee.

**OATH OF OFFICE ADMINISTERED**

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania will be administered by the Honorable Linda Wallach Miller, judge, Court of Common Pleas of Monroe County.

JUDGE MILLER. Would you place your left hand on your Bible and raise your right hand and repeat after me, please.

I, John Siptroth, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE MILLER. Congratulations, Representative Siptroth. Mr. SIPTROTH. Thank you.

**REMARKS BY SPEAKER**

The SPEAKER. Good morning.

A warm welcome to the hall of the House of Representatives on this gorgeous day, on this special occasion of the swearing-in of our newest member, the Honorable John Siptroth, who already was sworn in as the Representative from the 189th Legislative District.

Welcome to the chamber, Mr. Siptroth. I encourage you to savor this day, and welcome to your wife, Elaine, and your sons, Stanley and Kyle, and all of your family and all of your friends.

While many members of the House have had several opportunities to experience the magnificence of the swearing-in day during a ceremony, this is your first swearing-in, and without exception, when you are sworn in the first time, that is something that is always remembered by each member of this chamber.

The splendor of this enormous chamber is symbolic of the tremendous responsibility that comes with being a member of the Pennsylvania House of Representatives.

The electorate has demonstrated its confidence that you possess the dedication and, most important, the commitment to carry out the duties of your office with fidelity. Today you took the oath of office to protect and to serve. You, sir, have a rare opportunity to help steer the great ship of state, our Commonwealth of Pennsylvania.

As you embark on your journey as a legislator and lawmaker, I am sure you realize that your success will depend upon knowing when to persist and when to negotiate, and I said this before to a number of our newer members: You will win

when you know when to hold your ground and when to give ground in order to be victorious.

In the end, the ultimate goals of our collective efforts here transcend the political process. The goals revolve instead around the development of character, that quality that leads us all to be responsible citizens, men and women who get involved in issues and choose to act in ways that ultimately contribute to the greater common good of all Pennsylvania.

Some legislators, a few, are known for very big victories in this chamber. Most, however, are known for the steady, day-to-day, day-in-and-day-out performances done on the floor in meeting the needs of the people they serve and for the careful, thoughtful consideration that they give to the votes that they cast in this great chamber. Attention to these matters is, in my judgment, the true measure of being a worthy member of this great institution.

All of us look forward to working with you, John. Your energy, your openness, and friendly advice are welcome, and my door is always open.

Congratulations, and welcome to the Pennsylvania House of Representatives.

### REMARKS BY MAJORITY LEADER

The SPEAKER. At this time I would like to recognize the majority leader of the House of Representatives, the Honorable Samuel Smith.

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

Yes, to borrow the words of the elder Pete Wambach, it is indeed a beautiful day in Pennsylvania, and I say that to welcome our newest member to this hall of the House along with his family and friends and supporters, because it is a day that is special for each of us as individual members as we were sworn in, and particularly for our first election. It is a special day and it is a beautiful day because the hall of the House is back to its full voice of 203 members. And while we can certainly carry on the business and there is perhaps nothing magical about 203 members of this House – it is the number that has been here for such a long time – it triggers the really magical number of 102. You know, the first lesson that you will learn, presumably, will be that 102 votes is what it takes in the House and 26 in the Senate and 1 in the Governor's Office, and when you have got those three numbers mastered, you can do almost anything you want around here.

But I think you will also find as you go through perhaps the last couple of weeks as a member-elect and in the coming months, that you also find a challenge and an interesting phenomenon that will go along with your friends. You have your old friends, the people that you grew up with and those that you have known for years and worked with; then you have your new friends that were political allies, people you maybe did not meet but they came to your interest and aid in the course of a campaign; and then you will have your newest friends, those, I daresay the hypocritical side, who were not with you, but the day after the election, you always found all these new friends, and each of us have experienced that, because there are those out there, too. And as a word of advice, I would suggest that your old friends are your old friends. Those that were opposed to you and tell you they were opposed to you, those are pretty good friends, too; you can trust them. Watch out for those that were never your friend until you became elected and

suddenly you have a new friend in town. And then you will find others around that because you are now an elected member of the House, they will want to curry your good favor because of something they think you can do or because of the authority and power that has been vested in you by the voters of your legislative district.

So it is an interesting phenomenon and one that I hope you will be able to engage in and enjoy as much as I certainly have and many others in this hall of the House. It brings with it a lot of challenges and new responsibilities, and as I have often said, this place functions in a sense of collective wisdom. It is not that you or I know anything more than the people that we represent. Frankly, we only know what the people we represent; we are reflective of them, and yet when we come here to this hall of the House, it is all of us joined together and collectively making our voices heard. Sometimes we win the day and sometimes we lose, but knowing that by putting that into the pot and letting it stew down to what ultimately becomes law and policy in Pennsylvania, that that is what makes this Commonwealth and that is what makes this representative form of democracy that our country operates under the greatest form of government in the world and one that, I am sure, you share the same pride that each of us, regardless of party, share in joining in the process of democracy and helping to make this a better place to live and raise our families.

So with those words of observation and/or advice, however you choose to take them, I welcome you, sir, to the hall of the House along with your family and friends, and God bless you, and may you serve the people of the legislative district well.

### REMARKS BY DEMOCRATIC LEADER

The SPEAKER. At this time the Chair recognizes the distinguished minority leader, the gentleman from Greene, Mr. William DeWeese.

Mr. DeWEESE. Mr. Speaker, he got here the old-fashioned way: He earned it.

When the brief ceremony was concluded, to their inestimable credit, the Republican members rose in unison, and their applause was genuine. We are a long way from the Tigris Valley here in the Susquehanna Valley, but what those tens of millions of Iraqis would not do for a peaceful transition, for a harmonious setting, where we debate instead of hurl grenades.

Now, we were prepared for more commotion. You have all heard some of my favorite references in a lexicon. The hurly-burly of politics seems to be almost upon us, but the duly elected hard-charger from up in the northeast was sworn in – duly elected, was sworn in – sworn in to carry the banner high for the Marshalls Creek Bypass, sworn in to carry the banner high for the Bartonsville exit off of I-81. We are very fortunate to have this man here. We are very fortunate to have the political cousin of the Honorable Joe Battisto – sunny, happy, warm, decent, bipartisan. In fact, too bipartisan for his own political good; voted for the Commonwealth a few times, and the Commonwealth happened to embrace the city of Philadelphia, and his political career was extirpated. He is an English teacher; he likes those terms. So we have, we have this hardscrabble, hardworkin', clock-punchin', regular Joe, sort of a Bill Keller type of guy from the Poconos. That says a lot; that says a lot.

I have my watch; I will not go too long. But I do not know whether my friend and the distinguished majority leader was talking about me; it seemed like he was insinuating my naiveté about John's electoral energies, enthusiasms, and success into his remarks. Maybe I was just reading something into it, because I, unfortunately, did not know that John was going to prevail. Of course, neither did a few other people.

This was an unusual election, and I wrote him a letter, contrite and admitting my foibles and shortcomings, and I quoted a beautiful letter – I do not know whether it was Harry Readshaw or one of the Civil War buffs; it might have been Lynn Herman that recommended a book to me – but I read this letter that Abraham Lincoln sent to Albert Hodges in 1864 after those climactic concussions at Petersburg, and he said, I cannot really say that I have controlled events; events have controlled me. And I said, in a Lloyd Bensten way, I said, now, I am no Abe Lincoln – you knew Abe Lincoln; I am no Abe Lincoln – but I did not control events in your election; you prevailed without Mark Cohen or Bill DeWeese or even Mario. I do not know; Mario might have been more involved than we were, but anyway— You prevailed, you hardworking, clock-punching, regular guy.

I would like to conclude my remarks, Mr. Speaker, by saying, and I think as we get to know John, and I have made it a crash course in augmenting my acquaintanceship not only with him but with his battalion of supporters, and they are an elite, motivated, well-trained, gung ho battalion of helpers, because he did get here by knocking on doors and working his heart out. There were a lot of tears amongst the team as he took the oath, and his team will keep him here, in my view.

This is a sea change up in the Poconos. This is a wind shift up in the Poconos. This is a different type of representative dynamic, and he comes here not only to learn but to teach, and he will set an example for all of us.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair at this time would recognize Representative Siptroth for the purpose of introducing his family and his guests.

Mr. SIPTROTH. Good morning, Mr. Speaker. Good morning, ladies and gentlemen of the House.

I come to you today with a very proud heart to serve. I thank all—

The SPEAKER. The Chair thanks the gentleman.

### REPORTS OF COMMITTEE ON COMMITTEES

The SPEAKER. The clerk will read the following supplemental reports of the Committee on Committees.

The following reports were read:

#### SUPPLEMENTAL REPORT COMMITTEE ON COMMITTEES

In the House of Representatives  
March 16, 2005

Resolved that:

Rep. John J. Siptroth, Monroe and Pike Counties, is elected a member of the Commerce Committee vice Rep. Mundy resigned.

Rep. John J. Siptroth, Monroe and Pike Counties, is elected a member of the Intergovernmental Affairs Committee vice Rep. Youngblood resigned.

Rep. John J. Siptroth, Monroe and Pike Counties, is elected a member of the Local Government Committee vice Rep. Cruz resigned.

Rep. John J. Siptroth, Monroe and Pike Counties, is elected a member of the Veterans Affairs and Emergency Preparedness Committee vice Rep. Belfanti resigned.

Respectfully submitted,  
Rep. Robert Freeman  
Democratic Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

\* \* \*

March 16, 2005

#### SUPPLEMENTAL REPORT OF THE COMMITTEE ON COMMITTEES

##### AGING & OLDER ADULT SERVICES

Representative Keith Gillespie is appointed to fill the vacancy on the House Standing Committee on Aging & Older Adult Services.

These changes take effect immediately.

Respectfully submitted,  
George C. Hasay, Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

### GUESTS INTRODUCED

The SPEAKER. The Chair returns to Representative Siptroth for the purpose of introducing his family.

Mr. SIPTROTH. Thank you again, Mr. Speaker. I am sorry; I forgot that.

I would like to introduce my wife, Elaine; my son, Kyle. My son, Stanley, could not be here; however, I have his two daughters, my granddaughters, Hillary and Hailley. And as well, all of my friends that have traveled here from Harrisburg and the Pocono Mountains, I welcome them, and thank you very much.

Thank you, Mr. Speaker.

### 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—193

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

## ADDITIONS—1

McIlhinney

## NOT VOTING—0

## EXCUSED—9

Harhai	Pyle	Schroder	Thomas
McGeehan	Rieger	Taylor, E. Z.	Tigue
Metcalf			

## LEAVES ADDED—9

Hanna	O'Brien	Rooney	True
Micozzie	Roebuck	Tangretti	Washington
Nickol			

## GUEST INTRODUCED

The SPEAKER. The Chair at this time recognizes Sarah Harvey, a senior at Belleville Mennonite School. She is job-shadowing today Representative Steven Cappelli as part of Junior Achievement Day. She is seated in the gallery. Would that guest please rise and be recognized.

## SENATOR WELCOMED

The SPEAKER. The Chair turns to page 5 of today's House calendar—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

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

Mr. DeWEESE. A point of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. DeWEESE. I would just like to welcome the distinguished minority leader of the State Senate, our good friend, Bob Mellow, in the back of the hall of the House. Bob is John Siptroth's good friend, and he is here to enjoy the celebration. Welcome, Senator Mellow.

The SPEAKER. The Chair thanks the gentleman.

## MEMBER'S PRESENCE RECORDED

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

## CALENDAR

## RESOLUTIONS PURSUANT TO RULE 35

Mr. BIRMELIN called up **HR 150, PN 1084**, entitled:

A Resolution extending condolences to the family of Leon H. Reed, Jr., a dedicated public servant of this Commonwealth.

On the question,

Will the House adopt the resolution?

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

Before we take a moment to honor a citizen of Pennsylvania who has contributed much to it, I, too, want to add my congratulations to newly elected Representative Siptroth. He and I will be crossing paths frequently, I believe, as we both represent Pike County. Representative Siptroth, welcome to the hall of the House.

Oftentimes we have people who serve in the Commonwealth but we do not really understand or appreciate them as much as we should because they are not getting headlines, they are not in the newspapers, but they do their jobs efficiently, they do it with great vigor, and they do it oftentimes at great personal expense. We are here today to honor the memory of one such gentleman. Leon Reed, Jr., who passed away recently, was a member of the Pennsylvania Fish and Boat Commission for almost 19 years, and he truly was a very dedicated public servant.

Before I read the resolution and make a few remarks, I would like to indicate that I am joined here at the platform by Representative Bruce Smith and Representative Ed Staback, the collective chairs for the Fish and Game Committee, and that the resolution today that I am presenting is going to be also sponsored by Representative Sandy Major, who represents a portion of Wayne County.

#### GUESTS INTRODUCED

Mr. BIRMELIN. I would like to at this time introduce the Reed family before I read the resolution and ask you, if you would, to please stand. I will read all of the names, and then if the members would please welcome them after all have stood and been introduced, I would appreciate that.

Leon's wife, Shirley Reed; his daughter, Sandra Villard; son-in-law, Paul Villard; granddaughter, Daryl Anne Villard; son, Steven Reed; daughter-in-law, Cindy Reed; son, Gregory, with his friend, Denver Swartz; son, Jeffery Reed; and granddaughter, Laura Lintner.

Also, we have with us in the back of the hall of the House members of the Pennsylvania Fish Commission, who are also attending the ceremony today, and we thank them for their attendance. Thank you very much. Welcome to Harrisburg.

I am going to ask Representative Staback to give a few brief remarks at this time. Representative Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, it is a pleasure to join you and Chairman Smith at the rostrum. I am here in full support of this resolution and in support of today's special recognition of a former member of the Fish and Boat Commission in the likes of Leon Reed. It was my pleasure to get to know Leon throughout his distinguished nearly 19-year service at the Fish Commission, representing the Seventh District, which includes the entire of my legislative district.

Throughout those years I worked with Leon on a number of occasions and can say from firsthand knowledge that he always had his heart in the right place. Leon Reed cared deeply for our State and its waterways. He was always an effective and powerful advocate for the resource and for the angler.

His passing leaves a great void on the commission. He will be missed by not only the Fish and Boat Commission but also by the anglers and boaters of this entire State, especially those of us who come from the northeast.

As is said in this resolution and I am sure in the comments of the speaker to come, Leon Reed led a full and, in many ways, remarkable life, whether on the battlefields of World War II and Korea or in the boardroom at the Fish and Boat Commission. Leon distinguished himself as a great American, a great Pennsylvanian, and a great friend to sportsmen everywhere.

Thank you.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Before I read the resolution, just let me add one comment to the remarks that will be included in the resolution. When I was first elected to the hall of the House in 1984, Leon was shortly thereafter appointed to the Fish Commission. It was then called the Fish Commission; now called the Fish and Boat Commission. About a year or so later, he was in my office, and he said, "Jerry, do you ever go fishing?" I said, "You know, when I was a kid, I used to have a bamboo pole and I would try to catch a few sunnies and some other fish in Lake Ariel," which is the town that I grew up in. He said, "You know what?

You have got to go with me," and he said, "You have got to really experience good fishing." So I said, "Okay, Leon." I figured, you know, here is a guy who is on the Fish Commission. He must know what he is talking about. So he took us to a local pond called Duck Harbor, and of course, I did buy a fishing license, so I was legal. I want you to know that. He said, "Jerry, I want you to go with me." I helped him load the boat on his car, and you know, we got all the tackle and everything in the boat, and he had one of those battery-operated motors. We started going out, and the longer we were on this pond, the wind started blowing, and the waves were pretty high for a lake, and we were jumping up and down on the boat. We tried for about 45, 50 minutes to catch fish, and we did not get a thing. All the time we were there, Leon said, "I know if we just go a little further, a little further, we'll catch a fish." So we came back. After about an hour, we gave up. I said, "There are no fish in this pond, Leon." I said, "I'm very disappointed in you." I said, "And I am not disappointed so much because I didn't catch any fish, but because you didn't have the pull that it would take to get a scuba diver under the boat to hook one up to my hook." And Leon said, "You know what? Next time we will do that." Of course, he was kidding and so was I.

But Leon was a great public servant. He was a man who had the heart of the Commonwealth and sportsmen everywhere in his best interest.

And with that having been said, let me just read for you a small portion of the resolution, and then I am sure that you all will join me in voting unanimously for this resolution. It says, "WHEREAS, Leon H. Reed, Jr., passed away at the age of 82 on January 29, 2005; and

"WHEREAS, Mr. Reed served our country during World War II and the Korean Conflict as a member of the United States Armed Forces; and

"WHEREAS, ...Mr. Reed was a member of the Pennsylvania Fish and Boat Commission for nearly 19 years, first appointed by Governor Dick Thornburgh in July 1986...and...who was president of the commission" for 1 year "from July 1988 through July 1989, served with great dedication and earned recognition for his Statewide perspective and his advice and counsel; and..." as he was actively involved in local sportsmen's groups, we do, as a House of Representatives, express our sorrow for the passing of Leon Reed and extend our heartfelt condolences to his family.

I would ask you all to join me in voting unanimously to honor the memory of Leon Reed, a great public servant, who served in the Pennsylvania Fish and Boat Commission.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Leh	Ross
Allen	Fabrizio	Lescovitz	Rubley
Argall	Fairchild	Levdansky	Ruffing
Armstrong	Feese	Mackereth	Sainato
Baker	Fichter	Maher	Samuelson
Baldwin	Fleagle	Maitland	Santoni

Barrar	Flick	Major	Sather
Bastian	Forcier	Manderino	Saylor
Bebko-Jones	Frankel	Mann	Scavello
Belardi	Freeman	Markosek	Semmel
Belfanti	Gabig	Marsico	Shaner
Benninghoff	Gannon	McCall	Shapiro
Biancucci	Geist	McGill	Siptroth
Birmelin	George	McIlhattan	Smith, B.
Bishop	Gerber	McIlhinney	Smith, S. H.
Blackwell	Gergely	McNaughton	Solobay
Blaum	Gillespie	Melio	Sonney
Boyd	Gingrich	Micozzie	Staback
Browne	Godshall	Millard	Stairs
Bunt	Good	Miller, R.	Steil
Butkovitz	Goodman	Miller, S.	Stern
Buxton	Grell	Mundy	Stetler
Caltagirone	Grucela	Mustio	Stevenson, R.
Cappelli	Gruitza	Myers	Stevenson, T.
Casorio	Habay	Nailor	Sturla
Causer	Haluska	Nickol	Surra
Cawley	Hanna	O'Brien	Tangretti
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	True
Cohen	Harris	Pallone	Turzai
Cornell	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Crahalla	Hershey	Petrone	Wansacz
Creighton	Hess	Phillips	Washington
Cruz	Hickernell	Pickett	Waters
Curry	Hutchinson	Pistella	Watson
Daley	James	Preston	Wheatley
Dally	Josephs	Quigley	Williams
DeLuca	Kauffman	Ramaley	Wilt
Denlinger	Keller, M.	Rapp	Wojnaroski
Dermody	Keller, W.	Raymond	Wright
DeWeese	Kenney	Readshaw	Yewcic
DiGirolamo	Killion	Reed	Youngblood
Diven	Kirkland	Reichley	Yudichak
Donatucci	Kotik	Roberts	Zug
Eachus	LaGrotta	Roebuck	
Ellis	Leach	Rohrer	Perzel,
Evans, D.	Lederer	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-9

Harhai	Pyle	Schroder	Thomas
McGeehan	Rieger	Taylor, E. Z.	Tigue
Metcalfe			

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

\* \* \*

Mr. HASAY called up **HR 152, PN 1085**, entitled:

A Resolution designating April 11 through 16, 2005, as "Community Banking Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Harhai	Pyle	Schroder	Thomas
McGeehan	Rieger	Taylor, E. Z.	Tigue
Metcalfe			

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

\* \* \*

Mr. HERMAN called up **HR 148, PN 1082**, entitled:

A Resolution recognizing April 1, 2005, as "Make-A-Wish Day" in Centre County.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Harhai	Pyle	Schroder	Thomas
McGeehan	Rieger	Taylor, E. Z.	Tigue
Metcalfe			

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

\* \* \*

Mr. REICHLEY called up **HR 143, PN 907**, entitled:

A Resolution designating the week of April 24 through 30, 2005, as "Animal Abuse Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Harhai	Pyle	Schroder	Thomas
McGeehan	Rieger	Taylor, E. Z.	Tigue
Metcalfe			



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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 312, PN 1073**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of terrorism and the offense of hindering prosecution for an act of terrorism.

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

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill but first perhaps ask for an explanation of what is happening here.

The SPEAKER. Mr. Vitali, is the gentleman a member of the Judiciary Committee?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER. Did you ask that in committee, Mr. Vitali?

Mr. VITALI. Mr. Speaker, I have a number of questions and concerns about this bill, but in addition to my questions and concerns, I think the Speaker and the General Assembly should be aware that those following the legislative process via PCN (Pennsylvania Cable Network) and in the gallery also appreciate the fact that we are airing out the legislation we vote on.

I have a series of questions, but I thought it would be a good introduction by the maker of the bill to explain the bill in his own way before I start interrogating.

The SPEAKER. Then the gentleman can ask his questions.

Mr. VITALI. My first question is, could the maker of the bill explain what his bill does?

Mr. GRELL. Mr. Speaker?

The SPEAKER. Before the gentleman speaks, the gentleman is supposed to ask questions that he does not know the answers to. So we will ask the gentleman to answer the questions, but we would hope that you do not know the answers in advance, Mr. Vitali.

The gentleman, Mr. Grell.

Mr. GRELL. Mr. Speaker, this bill creates two new offenses under Title 18. First is the offense of terrorism, and second, the offense of hindering prosecution for terrorism.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, one of my concerns here involves the definition of "terrorism," and it concerns whether this statute could be applied, in the gentleman's opinion, to activities which might occur on a—

The SPEAKER. Would the gentleman suspend.

For the information of our guests from the 189th Legislative District, Mr. Siptroth, I understand there is a get-together, and at

this point in time, there is no need, unless you really want to – most of us are being paid to listen to all of this – so if you would like to break and go down to the reception, you are more than willing to be excused.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

You know, Mr. Speaker, I think I am going to do this a different way.

That concludes my interrogation. I would just like to speak on the bill.

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

Mr. VITALI. I have a number of concerns with this, Mr. Speaker, and I think while the intent of enacting a statute that might deal with terrorism is a good one, I think the language of this bill is overly broad and could label as terrorists, could label as terrorists those engaged in activities we do not consider terroristic.

Let me give you an example. I think that if you have a situation where you have a union picket line around a company or a governmental entity and in that picket line a punch is thrown and someone is hit in the face with a fist, under this definition of "terrorism," that person, that union person, could be convicted of terrorism because that person has in fact committed an act under the definition of "dangerous to human life or property," serious bodily harm, and I think that constitutes serious bodily harm.

And I think also with regard to the act of – under this definition, it would be under section 2717(A) – something meant to influence or coerce a civilian population, which would be coerce it with regard to the union position. So I think with regard to union activity, this could be used, could be used; union activity may fall under that category. The same might apply to abortion protests. If you have abortion protests around a facility and in fact pushing and shoving and violence breaks out, I believe under the strict definition of "terroristic act," you could label an abortion protester a terrorist.

I think that this particular bill, the essence of this bill – and it seems like what we have done today is divide the crime of terrorism into about a half a dozen different pieces and given it out to various members to argue – the essence of this particular subpiece of the terrorism act is hindering prosecution.

So in this case, under Act 312, if you simply tell, if you are at that union picket line or you are actually at that abortion clinic and in fact do not throw that punch but simply say to the person who did, "the police are on the way" or "let me drive you out of here," that, under the definition of "hindering prosecution" under section 2718, would kick in. So it seems to me that you could be guilty of being a terrorist by simply warning someone else who has thrown that punch at a union protest or abortion rights protest.

So I think that although the intent is good here, I think the language is overbroad, and I think it needs to be worked on.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

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

NAYS—4

Curry	Josephs	Stetler	Vitali
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NOT VOTING—0

EXCUSED—9

Harhai	Pyle	Schroder	Thomas
McGeehan	Rieger	Taylor, E. Z.	Tigue
Metcalf			

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.

JANEY SALAY PRESENTED

The SPEAKER. Would the members please take their seats.  
One of our truly dedicated, long-term House floor employees will be retiring at the end of this month with 40 years of service to the House of Representatives.

At this time the reading clerk will read the citation, and then I would ask that our chief official reporter, Janey Salay, come to the podium for the presentation.

The clerk read the following citation:

WHEREAS, It is with particular pride and gratitude that the House of Representatives of Pennsylvania recognizes those individuals who have dedicated themselves to its daily operations and to the legislative process of this Commonwealth; and

WHEREAS, Jane C. Salay is being honored upon her retirement from the House of Representatives as Supervisor of the Official Reporters' Office within the Office of the Chief Clerk after forty years of distinguished service; and

WHEREAS, A 1963 graduate of Bellmar High School in Belle Vernon, Ms. Salay is a 1965 summa cum laude Court and Conference Reporting graduate of the National Legal Secretarial School in Hagerstown, Maryland. She also earned a certificate of merit from the National Shorthand Reporters Association. Ms. Salay began her career with the House on March 29, 1965, in the position of Official Reporter. She was promoted to her present position of Supervisor of the Official Reporters' Office on June 1, 1981. In addition to her supervisory duties, Ms. Salay serves as Editor of the Legislative Journal of the House of Representatives. During the course of her career, she has worked under the direction of seven Chief Clerks: Anthony J. Petrosky, Adam T. Bower, Vincent F. Scarcelli, Robert M. Scheipe, Charles F. Mebus, John J. Zubeck and Ted Mazia. Throughout her tenure, Ms. Salay has been an invaluable staff member of the House of Representatives. She will be deeply missed by all those with whom she has worked and who have benefited from her commitment and dedication.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania extends heartfelt congratulations to Jane C. Salay upon her well-deserved retirement; expresses deep appreciation for the professionalism and devotion to duty which she has demonstrated throughout her career; offers best wishes for a most happy and rewarding future;

and directs that a copy of this citation be delivered to Jane C. Salay.

REMARKS BY DEMOCRATIC LEADER

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. DeWeese.

The gentleman, Mr. DeWeese, would like to say a few words, but we would like to ask you to please keep the conversations to a minimum. Please keep the noise levels down, please.

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

Janey gave us 40 years. I think we could give her just a couple of extra moments.

She is so kind and unassuming and soft-spoken and special, and when the clerk read that long line of Chief Clerks and for folks like George Hasay and myself and the Speaker, people who have been here three decades, it is an amazing amount of public service that she has offered to this chamber, and all of us know, all of us, and I do not think one member would ever think

for a millisecond that we could survive without our staff teams buried in the anonymous bowels of the Capitol Building.

Well, Janey was a person that would never be strident or outspoken. She just came to work and did her job. She was a manifest exemplar of the term “public servant.” Those two words could never be juxtaposed for a more special and kindhearted soul, and from the Democratic side of the aisle, I would just like to say, thank you, Janey, for many years, four decades, of public service.

### REMARKS BY MAJORITY LEADER

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, thank you.

As usual, the minority leader has used enough words to cover the sentiments of the House, but let me just add to it that we on the Republican side echo those sentiments, as actually he characterized them quite well and characterized your service to the Commonwealth of Pennsylvania.

So God bless you, and may you enjoy your years in retirement as hopefully you have your years of employment.

Thank you.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 456, PN 1074**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of terrorism; further providing in controlled substances forfeitures for loss of property rights to Commonwealth; providing for terrorism forfeiture; further providing for procedure with respect to seized property subject to liens and rights of lienholders; and providing for penalties.

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I find of all the bills in this terrorism packet, I find this one to be the most frightening, and I think we really have to look at this very carefully. I hope I am reading it correctly, and if I am not, perhaps the maker of the bill can correct me.

This subpart of these bills deals with, in addition to defining “terrorism,” it is the forfeiture piece, and if I am reading this correctly, this would require someone who is convicted under this act of terrorism – and I am now looking on page 13, around lines 28 or so – “ALL ASSETS, FOREIGN OR DOMESTIC,” would be subject to forfeiture. I mean, I just want to make sure I am reading that correctly, and if that is in fact the case, all assets, foreign or domestic, are subject to forfeiture, that, coupled with the overbroad definition of “terrorism,” could be a situation where, let us say you do have this union protester who

does engage in an aggravated assault, all his assets forfeited – his house, his car, his savings forfeited. If you read this correctly, that is what could be.

And let us take it a step further. Let us take it aiding and abetting. Let us say you have a situation where the AFL-CIO or some other entity somehow abets in this, somehow protects him, somehow out of a sense of loyalty helps him not be arrested for a time or helps him get away or warns him the police are coming, all assets, foreign or domestic, seized. I mean, think about what that is exposing institutions and people to.

I have no doubt that that is not the intent here, I have no doubt that is not the intent, but I practiced criminal defense work for about a dozen years, and I know what happens when a criminal defendant is approached by the D.A. and says, you know, if we go with this, you are subject to this enormous penalty, so why do you not just plea to this? And I have been in situations where I truly felt that defendants, faced with the threat of an enormous penalty, would plead guilty to a lesser penalty even though they did not do it. They could not handle the downside risk of going to trial and losing.

So there is a problem here with the enhanced penalties of this language, but I think the real problem with regard to this particular piece of it is the forfeiture of all assets of a person inadvertently snared and those institutions, be it unions or abortion rights advocates. So I am very concerned with this particular piece of legislation, and I will be asking for a “no” vote.

Thank you.

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.

(Members proceeded to vote.)

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence is requested for the gentlelady from Philadelphia, Ms. WASHINGTON. Please have her name put on the list of absentees.

### CONSIDERATION OF HB 456 CONTINUED

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—187

Adolph	Fabrizio	Leh	Rohrer
Allen	Fairchild	Lescovitz	Rooney
Argall	Feese	Levdansky	Ross
Armstrong	Fichter	Mackereth	Rubley
Baker	Fleagle	Maher	Ruffing
Baldwin	Flick	Maitland	Sainato
Barrar	Forcier	Major	Samuelson
Bastian	Frankel	Manderino	Santoni

Bebko-Jones	Freeman	Mann	Sather
Belardi	Gabig	Markosek	Saylor
Belfanti	Gannon	Marsico	Scavello
Benninghoff	Geist	McCall	Semmel
Biancucci	George	McGill	Shaner
Birmelin	Gerber	McIlhattan	Shapiro
Bishop	Gergely	McIlhinney	Siptroth
Blackwell	Gillespie	McNaughton	Smith, B.
Blaum	Gingrich	Melio	Smith, S. H.
Boyd	Godshall	Micozzie	Solobay
Browne	Good	Millard	Sonney
Bunt	Goodman	Miller, R.	Staback
Butkovitz	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Habay	Myers	Stevenson, R.
Casorio	Haluska	Nailor	Stevenson, T.
Causer	Hanna	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	True
Corrigan	Hennessey	Payne	Turzai
Costa	Herman	Petrarca	Veon
Crahalla	Hershey	Petri	Wansacz
Creighton	Hess	Petrone	Waters
Cruz	Hickernell	Phillips	Watson
Daley	Hutchinson	Pickett	Wheatley
Dally	James	Pistella	Williams
DeLuca	Kauffman	Preston	Wilt
Denlinger	Keller, M.	Quigley	Wojnaroski
Dermody	Keller, W.	Ramaley	Wright
DeWeese	Kenney	Rapp	Yewcic
DiGirolamo	Killion	Raymond	Youngblood
Diven	Kirkland	Readshaw	Yudichak
Donatucci	Kotik	Reed	Zug
Eachus	LaGrotta	Reichley	
Ellis	Leach	Roberts	Perzel,
Evans, D.	Lederer	Roebuck	Speaker
Evans, J.			

NAYS-6

Cohen	Josephs	Vitali	Walko
Curry	Stetler		

NOT VOTING-0

EXCUSED-10

Harhai	Pyle	Taylor, E. Z.	Tigue
McGeehan	Rieger	Thomas	Washington
Metcalfe	Schroder		

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 462, PN 1075**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of soliciting or providing support for an act of terrorism and terrorist organizations.

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-190

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

NAYS-3

Curry	Josephs	Vitali
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NOT VOTING-0

## EXCUSED—10

Harhai	Pyle	Taylor, E. Z.	Tigue
McGeehan	Rieger	Thomas	Washington
Metcalfe	Schroder		

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 477, PN 1076**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a civil action to recover damages caused by terrorism.

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for a brief interrogation?

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

Mr. VITALI. Thank you, Mr. Speaker.

I certainly commend the gentleman for his intent here, and what this does, as I understand it, is creates a civil cause of action to recover damages if you have been the victim of a terrorist act, which is actually a very noble endeavor. But I am just trying to find out, why is this needed? In other words, right now we have a whole civil system where if one is injured by someone who wrongs them by either hurting them or damaging their property or breaching a contract or whatever, there is a whole cause of action where you can go into court, you can sue, you can recover money damages, and so forth. How is this different than that civil system already in place?

Mr. BROWNE. Well, in terms of those victims of terrorist acts, it would provide a specific provision in law in terms of allowing these individuals to get additional recovery, because the law is more defined towards what the act that person committed was.

Mr. VITALI. When you say "additional recovery," somehow could the damages you get under this bill, the amount of money damages, let us say, be greater under this bill than the situation under current law, just going into civil court?

Mr. BROWNE. Well, I think in terms of a subjective evaluation of the act performed, absolutely. Because of the gravity of the act being a terrorist act, they definitely could receive additional damages.

Mr. VITALI. Now, I am confused. Now, if you go into court right now, under current law, let us say a terrorist blew up a plane, you were on it – let us assume that is a State action somehow – or blew up, let us say, blew up a governmental office building, you were in it, you could recover your damages for the injuries you have suffered, the property damage. Right now you could do all those things and you could get a money verdict. How would the money verdict differ in that case where you were injured by a terrorist blast if this were passed than the money damages you could get under current law?

Mr. BROWNE. Well, under current law, you are allowed to file claim for punitive damages, and given the gravity of a terrorist act, I think the extent of punitive damages that would be awarded against the defendant, since it is an act that is defined as a terrorism act, would be more significant, and I think that is one of the major changes that this allows.

Mr. VITALI. But could you not right now, with existing law, make your argument to the jury, this was a terrorist act, so give us more; send that message?

Mr. BROWNE. Well, I think in terms of public policy, it better defines that as a terrorism act and in terms of the damages that could be recovered, especially, as I said, especially punitive damages. In order to deter that type of activity in the future, it is an important change in our law from a deterrence perspective as well.

Mr. VITALI. Thank you.

That concludes my questions, and I do not wish to speak on the bill. Thank you.

Mr. BROWNE. Thank you.

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—193

Adolph	Evans, J.	Leh	Ross
Allen	Fabrizio	Lescovitz	Rubley
Argall	Fairchild	Levdansky	Ruffing
Armstrong	Feese	Mackereth	Sainato
Baker	Fichter	Maher	Samuelson
Baldwin	Fleagle	Maitland	Santoni
Barrar	Flick	Major	Sather
Bastian	Forcier	Manderino	Saylor
Bebko-Jones	Frankel	Mann	Scavello
Belardi	Freeman	Markosek	Semmel
Belfanti	Gabig	Marsico	Shaner
Benninghoff	Gannon	McCall	Shapiro
Biancucci	Geist	McGill	Shiproth
Birmelin	George	McIlhattan	Smith, B.
Bishop	Gerber	McIlhinney	Smith, S. H.
Blackwell	Gergely	McNaughton	Solobay
Blaum	Gillespie	Melio	Sonney
Boyd	Gingrich	Micozzie	Staback
Browne	Godshall	Millard	Stairs
Bunt	Good	Miller, R.	Steil
Butkovitz	Goodman	Miller, S.	Stern
Buxton	Grell	Mundy	Stetler
Caltagirone	Grucela	Mustio	Stevenson, R.
Cappelli	Gruitza	Myers	Stevenson, T.
Casorio	Habay	Nailor	Sturla
Causser	Haluska	Nickol	Surra
Cawley	Hanna	O'Brien	Tangretti

Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	True
Cohen	Harris	Pallone	Turzai
Cornell	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Crahalla	Hershey	Petrone	Wansacz
Creighton	Hess	Phillips	Waters
Cruz	Hickernell	Pickett	Watson
Curry	Hutchinson	Pistella	Wheatley
Daley	James	Preston	Williams
Dally	Josephs	Quigley	Wilt
DeLuca	Kauffman	Ramaley	Wojnarowski
Denlinger	Keller, M.	Rapp	Wright
Dermody	Keller, W.	Raymond	Yewcic
DeWeese	Kenney	Readshaw	Youngblood
DiGirolamo	Killion	Reed	Yudichak
Diven	Kirkland	Reichley	Zug
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Roebuck	
Ellis	Leach	Rohrer	Perzel,
Evans, D.	Lederer	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Harhai	Pyle	Taylor, E. Z.	Tigue
McGeehan	Rieger	Thomas	Washington
Metcalfe	Schroder		

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.

**AGING AND OLDER ADULT SERVICES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Hess, for the purpose of a committee announcement.

Mr. HESS. Thank you, Mr. Speaker.

I would like to announce a meeting of the Aging and Older Adult Services Committee in room 205 in the Ryan Building at the recess.

Thank you.

The SPEAKER. The Chair thanks the gentleman, Mr. Hess.

There will be a meeting of the Aging and Older Adult Services Committee in room 205 in the Ryan Building at the recess.

**ANNOUNCEMENT BY MR. FEESE**

The SPEAKER. Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, pursuant to rule 19(b), I would like to notify the House when the general appropriations bill will be considered, which is HB 815. Originally the majority leader had scheduled the consideration for Tuesday, March 29, which would mean that amendments would be due by Monday, March 21, at 2 p.m. The majority leader, however, has decided to change that date

so members have more time to prepare amendments to the general appropriations bill. The majority leader has now scheduled the vote for April 11. That means the members' amendments will be due by April 4 at 2 p.m., and the majority leader's hope is that all the members will have all the amendments that they wish to have considered in by that time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**DEMOCRATIC CAUCUS**

The SPEAKER. Are there any other announcements before the break for lunch?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, could you clarify how long the break is for?

The SPEAKER. Until 2.

Mr. COHEN. Okay. Thank you, Mr. Speaker.

Mr. Speaker, until 2 o'clock we are going to be having a Democratic caucus, beginning immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. This House is in recess until 2 p.m.

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING**

**ACTUARIAL NOTES**

The SPEAKER pro tempore. The Speaker receives the following actuarial reports: HB 395, PN 422; HB 279, PN 302; SB 56, PN 49; HB 83, PN 77; HB 126, PN 613.

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

**RULES COMMITTEE MEETING**

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

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 61, PN 1172** (Amended)

By Rep. B. SMITH

A Resolution directing the Legislative Budget and Finance Committee to conduct a study on the use of rifles versus shotguns within this Commonwealth and recommend whether special regulation areas should be expanded.

## GAME AND FISHERIES.

**HR 151, PN 1122**

By Rep. S. SMITH

A Resolution renaming the Commission on the Future of the Philadelphia, Pittsburgh and Harrisburg International Airports and the Southeastern Pennsylvania Transportation Authority and expanding its duties.

## RULES.

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED****HB 8, PN 1171 (Amended)**

By Rep. STAIRS

An Act providing for establishment and financing of community colleges; establishing the Board of Community Colleges and Council of Presidents; providing for the members, structure, powers and duties and chief executive officer of the Board of Community Colleges and Council of Presidents; further providing for the powers and duties of State Board of Education; providing for appropriations and the allocation of funds for community colleges, for audits, for powers and duties of board of trustees, for tuition and for financial plan, for reimbursement of payments and for capital expenses of community colleges; and making related repeals.

## EDUCATION.

**HB 102, PN 95**

By Rep. HERMAN

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.

## LOCAL GOVERNMENT.

**HB 111, PN 103**

By Rep. RAYMOND

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for extension of existing license to cover additional area.

## LIQUOR CONTROL.

**HB 136, PN 137**

By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, authorizing appropriations to watershed associations.

## LOCAL GOVERNMENT.

**HB 183, PN 187**

By Rep. HERMAN

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options; and providing for land trusts.

## LOCAL GOVERNMENT.

**HB 266, PN 289**

By Rep. HERMAN

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

## LOCAL GOVERNMENT.

**HB 267, PN 290**

By Rep. HERMAN

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

## LOCAL GOVERNMENT.

**HB 619, PN 692**

By Rep. HERSHEY

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions, for agricultural security areas, for evaluation criteria and for purchase of agricultural conservation easements.

## AGRICULTURE AND RURAL AFFAIRS.

**HB 629, PN 702**

By Rep. HERSHEY

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

## AGRICULTURE AND RURAL AFFAIRS.

**BILL REPORTED AND REREFERRED TO  
COMMITTEE ON LABOR RELATIONS****HB 194, PN 202**

By Rep. HERMAN

An Act amending the act of December 20, 2001 (P.L.969, No.116), known as the Dormitory Sprinkler System Act, further providing for the sprinkler system program.

## LOCAL GOVERNMENT.

**BILLS REPORTED AND REREFERRED TO  
COMMITTEE ON URBAN AFFAIRS****HB 372, PN 399**

By Rep. HERMAN

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for residency requirements for vacancy appointments.

## LOCAL GOVERNMENT.

**HB 493, PN 532**

By Rep. HERMAN

An Act amending the act of June 12, 1919 (P.L.476, No.240), referred to as the Second Class County Recorder of Deeds Fee Law, providing for additional fees; and establishing a County Records Improvement Fund.

## LOCAL GOVERNMENT.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the minority leader, who requests that the gentleman, Mr. ROONEY; the gentleman, Mr. ROEBUCK; and the gentleman, Mr. HANNA, be put on leave for the rest of the day.

The Chair recognizes the majority leader, Mr. Smith, who moves and requests that the gentleman, Mr. O'BRIEN, be added and placed on leave for the remainder of the day.

**CALENDAR CONTINUED**

**RULES SUSPENDED**

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

Mr. HUTCHINSON. Mr. Speaker, I move for an immediate suspension of the rules for consideration of HB 875.

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

The following roll call was recorded:

**YEAS—189**

Adolph	Evans, D.	Lederer	Rubley
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causser	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenny	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug

Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 875, PN 998**, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility and for definitions.

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

Ms. **PICKETT** offered the following amendment No. **A00169**:

Amend Sec. 4, page 4, line 13, by inserting after "1(a.1)" and the amendment of section 1(d) and (e)

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

The SPEAKER pro tempore. On that question, the Chair recognizes Ms. Pickett.

The gentlelady, Ms. Pickett, is recognized.

Ms. **PICKETT**. Mr. Speaker, thank you.

I would like to offer amendment A0169.

The SPEAKER pro tempore. The Chair thanks the lady, and you may proceed.

Ms. **PICKETT**. This amendment would amend section 4 of the bill by making the death benefit increase retroactive to the date that the Federal law changed to allow for this heart attack provision.

I urge the members to support my amendment, please.

The SPEAKER pro tempore. The Chair thanks the lady.

**POINT OF ORDER**

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

Mr. **VITALI**. Point of order, Mr. Speaker.

That amendment is not on our screens.



The SPEAKER pro tempore. Mr. Vitali, the Chair has been notified that it is in the system, but you merely have to click on it to access it.

Mr. VITALI. May I interrogate the maker of that amendment?

The SPEAKER pro tempore. Will the gentlelady accede to interrogation? She does and you may proceed.

Mr. VITALI. The amendment on my screen says, “Amend Sec. 4, page 4, line 13, by inserting after ‘1(a.1)’ and the amendment of section 1(d) and (e),” and that is all it says. Now, I am trying to reconcile that with your explanation.

Ms. PICKETT. Thank you, Mr. Speaker.

Amendment 0169 is a corrected version of our 0154, and the reason we are correcting it is due to a citing of the wrong section number in the first number.

Mr. VITALI. Okay. So is there another amendment in play that this is correcting?

Ms. PICKETT. 0154 was the original number, Mr. Speaker, and now our number is 0169 due to that correction.

Mr. VITALI. Okay. But this amendment right here, perhaps you could state again what this does.

Ms. PICKETT. What this does, Mr. Speaker, is take the time period back for all of the people included in this bill to December 31 of 2003.

Mr. VITALI. And this language on this screen does that?

Ms. PICKETT. We wanted to include law enforcement officials.

Mr. VITALI. Okay. I just want to double-check that this language on the screen does what you are saying.

Ms. PICKETT. Yes, it does, Mr. Speaker.

Mr. VITALI. Okay. 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—189

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

Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnarowski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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—189

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

Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causer	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenny	Readshaw	Yudichak
DiGirolo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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 gentleman, Mr. Semmel.

Mr. SEMMEL. Mr. Speaker, I move for immediate consideration of suspension of the rules for consideration of HB 877.

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

The following roll call was recorded:

YEAS-189

Adolph	Evans, D.	Lederer	Rubley
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato

Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siproth
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causer	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenny	Readshaw	Yudichak
DiGirolo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 877, PN 1000**, entitled:

An Act amending Titles 44 (Law and Justice) and 71 (State Government) of the Pennsylvania Consolidated Statutes, establishing the Department of Public Safety; further providing for the Homeland Security Agency; codifying organizational provisions of the executive branch; making related repeals; and making editorial changes.

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.

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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 gentlelady, Mrs. Rubley.

Mrs. RUBLEY. Mr. Speaker, I move for immediate suspension of the rules for consideration of HB 854.

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

The following roll call was recorded:

YEAS—189

Adolph	Evans, D.	Lederer	Rubley
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causar	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak

DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 854, PN 977**, entitled:

An Act prohibiting the release of certain records by government agencies; and imposing penalties.

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

Mr. **SEMME**L offered the following amendment No. **A00153**:

Amend Sec. 2, page 2, line 17, by inserting after "water."  
The term shall include, but not be limited to, electric power generation facility.

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

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

Mr. **SEMME**L. Regarding this particular amendment, it amends the definition of "public utility" to include the electric power generation facilities, which were intended to be part of the bill but are not because these facilities via deregulation are not considered public utilities under the current definition.

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-189

Adolph	Evans, D.	Lederer	Ruble
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni

Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causar	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnarowski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewwic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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-189

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

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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 gentleman, Mr. Taylor.

Mr. TAYLOR. I request immediate suspension of the rules for consideration of HB 172.

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

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 172, PN 178**, entitled:

An Act establishing the Municipal Firefighter Education and Training Program.

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

Mr. **SEMME**L offered the following amendment No. **A00151**:

Amend Bill, page 1, by inserting between lines 4 and 5 Section 1. Short title.

This act shall be known and may be cited as the Municipal Firefighter Education and Training Act.

Section 2. Definitions.

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

“Commissioner.” The State Fire Commissioner appointed under the act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act.

“Municipal firefighter.” Any full-time employee of a city, borough, town or township fire department assigned to firefighting duties.

“School.” A training school or academy that offers State Fire Academy certified courses.

Amend Sec. 1, page 1, line 5, by striking out “1” and inserting 3

Amend Sec. 2, page 2, lines 2 through 13, by striking out all of said lines

Amend Sec. 3, page 2, line 14, by striking out “3” and inserting 4

Amend Sec. 3, page 2, lines 15 and 16, by striking out all of said lines and inserting

(a) Training.—All municipalities or groups of municipalities acting in

Amend Sec. 3, page 2, lines 20 and 21, by striking out “political subdivision or group of political subdivisions” and inserting municipality or group of municipalities

Amend Sec. 3, page 3, line 5, by striking out “any political subdivision” and inserting a municipality

Amend Sec. 4, page 3, line 10, by striking out “4” and inserting 5

Amend Sec. 4, page 3, lines 12 and 13, by striking out “political subdivision” and inserting municipality

Amend Sec. 4, page 3, line 16, by striking out “political subdivision” and inserting municipality

Amend Sec. 4, page 3, line 21, by striking out “political subdivision” and inserting

municipality

Amend Sec. 4, page 3, line 24, by striking out “political subdivision” and inserting

municipality

Amend Sec. 4, page 3, lines 26 and 27, by striking out “political subdivisions” and inserting

municipalities

Amend Sec. 4, page 3, line 30; page 4, line 1, by striking out all of said lines on said pages and inserting

(c) Application.—All municipalities and groups of municipalities acting in

Amend Sec. 4, page 4, lines 6 and 7, by striking out “political subdivision of the Commonwealth or group of political subdivisions” and inserting

municipality or group of municipalities

Amend Sec. 5, page 4, line 14, by striking out “5” and inserting 6

Amend Sec. 6, page 4, line 18, by striking out “6” and inserting 7

Amend Sec. 7, page 4, line 21, by striking out “7” and inserting 8

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes Mr. Semmel.

Mr. **SEMME**L. Thank you, Mr. Speaker.

For the record, this corrects a drafting error in the section numbering and the terminology used for municipal governments.

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—189**

Adolph	Evans, D.	Lederer	Rubleby
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Bianucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra

Causer	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Derlanger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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. **GEORGE** offered the following amendment No. **A00161**:

Amend Sec. 6, page 4, lines 18 through 20, by striking out all of said lines and inserting Section 6. Funding methods.

(a) Fee.—Each operator of a resource recovery facility shall pay, in the same manner prescribed in Chapter 7 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, a disposal fee of \$4.25 per ton for all solid waste disposed of at a resource recovery facility.

(b) Exception.—Process residue and nonprocessable waste from a resource recovery facility that pays this fee that is consequently disposed of at the municipal waste landfill shall be exempt from fees imposed in 27 Pa.C.S. § 6301(a) (relating to disposal fee for municipal waste landfills).

(c) Payment.—For the fiscal year 2005-2006 and beyond, fees received by the Office of State Fire Commissioner pursuant to this section shall be paid into the State Treasury as follows:

(1) 60% of the received fees shall be deposited in the Hazardous Sites Cleanup Fund.

(2) 40% of the received fees shall be utilized for the Municipal Firefighter Education and Training Program and the Pennsylvania Emergency Management Agency for the purpose

of grants to firefighters and ambulance services under existing law.

(d) Appropriation.—If the Governor certifies that revenue for the normal operation of programs paid for by the Hazardous Sites Cleanup Fund is sufficient, then 100% of all received fees shall be appropriated to the Municipal Firefighter Education and Training Program and the Pennsylvania Emergency Management Agency for the purpose of grants to firefighters and ambulance services under existing law.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The **SPEAKER** pro tempore. On that question, the gentleman, Mr. George, is recognized.

Mr. **GEORGE**. Mr. Speaker, if I may, I have decided to pull that amendment until we see what the budget does for fire people and volunteer fire associations in that I am aware that most all of us would be supportive of helping them. So if I may, I would like to remove that amendment.

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-189

Adolph	Evans, D.	Lederer	Rubley
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Bianucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causer	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True

Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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. Will the gentleman, Mr. Sturla, please report to the floor. Will the gentleman, Mr. Sturla, please report to the floor.

RULES SUSPENDED

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

Mr. NAILOR. Mr. Speaker, I move for the immediate suspension of the rules for the consideration of HB 599.

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

The following roll call was recorded:

YEAS-189

Adolph	Evans, D.	Lederer	Rubley
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth

Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causar	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 599, PN 672**, entitled:

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated funds.

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



Mr. **STURLA** offered the following amendment No. **A00160**:

Amend Title, page 1, lines 4 through 6, by striking out “further providing for award of grants, for expenses” in line 4 and all of lines 5 and 6 and inserting  
further providing for title, for short title, for definitions and for award of grants; providing for the Municipal Fire and Emergency Services Organization Grant Program; further providing for expiration of authority; and making an appropriation.

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. The title and section 101 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, are amended to read:

#### AN ACT

Establishing a grant program for volunteer fire companies [and] volunteer ambulance services and municipal fire and emergency services organizations; and providing for grant funding.

Section 101. Short title.

This act shall be known and may be cited as the Volunteer Fire Company [and] Volunteer Ambulance Service and Municipal Fire and Emergency Services Organization Grant Act.

Section 2. The definition of “grant program” in section 102 of the act is amended and the section is amended by adding a definition to read:

Section 102. 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:

\* \* \*

“Grant program.” The Volunteer Fire Company Grant Program established in Chapter 3 [or], the Volunteer Ambulance Service Grant Program established in Chapter 5 or the Municipal Fire and Emergency Services Organization Grant Program established in Chapter 6.

\* \* \*

“Municipal fire and emergency services organization.” A nonvolunteer fire company or emergency services department located in this Commonwealth which provides fire protection or emergency services. Emergency services provided by the organization may include ambulance and rescue services, including basic and advanced life support services and response to fires, vehicle accidents and water rescues. The term shall not include any corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

\* \* \*

Section 3. Sections 303 and 503 of the act, amended July 15, 2004 (P.L.712, No.80), are amended to read:

Amend Bill, page 4, by inserting between lines 15 and 16

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

#### CHAPTER 6

#### MUNICIPAL FIRE AND EMERGENCY SERVICES ORGANIZATION GRANT PROGRAM

Section 601. Establishment.

The Municipal Fire and Emergency Services Organization Grant Program is established and shall be administered by the agency in consultation with the commissioner. Grants provided under this program shall be used to improve and enhance the capabilities of municipal fire and emergency services organizations to provide firefighting, ambulance and rescue services.

Section 602. Guidelines and procedures.

The agency shall develop guidelines, procedures and all applications necessary to implement the grant program. The agency shall submit the guidelines, procedures and applications to the

Legislative Reference Bureau for publication in the Pennsylvania Bulletin within 30 days of the effective date of this section.

Section 603. Award of grants.

(a) Authorization.—The agency is hereby authorized to make a grant award to each eligible municipal fire and emergency services organization for the following:

(1) Construction and/or renovation of the municipal fire and emergency services organization’s facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the municipal fire and emergency services organization to provide fire, ambulance and rescue services.

(2) Repair or purchase of firefighting, ambulance or rescue equipment.

(3) Retirement or reduction of debt associated with paragraph (1) or (2).

(4) Training and certification of members.

(b) Limits.—

(1) Grants shall be not less than \$10,000 and not more than \$1,000,000 per municipal fire and emergency services organization.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of approved applications exceeds the amount of funds appropriated by the General Assembly for this purpose.

(c) Time for filing application and department action.—

(1) The agency shall provide written instructions and guidelines for grants under this chapter to the fire chief and president of every municipal fire and emergency services organization in this Commonwealth on or before July 31, 2005.

(2) Municipal fire and emergency services organizations seeking grants under this chapter shall submit completed applications to the agency on or before December 31, 2005. The agency shall act to approve or disapprove the application by May 1, 2006. Applications which have not been approved or disapproved by the agency by May 1, 2006, shall be deemed approved.

(d) Eligibility.—To receive grant funds under this chapter, a municipal fire and emergency services organization shall have actively responded to one or more fire or rescue emergencies since July 1, 2003, and must sign an agreement to actively participate in the Pennsylvania Fire Information Reporting System.

#### CHAPTER 8

#### MUNICIPAL FIRE AND EMERGENCY SERVICES ORGANIZATION GRANT PROGRAM FUNDING PROVISIONS

Section 801. Municipal Fire and Emergency Services Organization Grant Program.

The sum of \$8,000,000 of the amount appropriated to the agency for the Municipal Fire and Emergency Services Organization Grant Program shall be expended for the purpose of making grants to eligible municipal fire and emergency services organizations pursuant to Chapter 6.

Section 802. Allocation of appropriated funds.

No moneys from the appropriation for municipal fire and emergency services organization grants shall be used for expenses or costs incurred by the agency for the administration of the grant program authorized under Chapter 6.

Section 5. Section 901 of the act, amended July 15, 2004 (P.L.712, No.80), is amended to read:

Amend Sec. 1 (Sec. 901), page 4, line 18, by striking out all of said line and inserting

[and 5], 5 and 6 shall expire June 20, [2005] 2006.

Amend Sec. 2, page 4, line 19, by striking out “2” and inserting

6

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this adds an additional \$8 million to the already \$25 million that is in this program for volunteer fire companies, but the \$8 million is set aside in a separate account for municipal fire departments. Essentially, what we have had going on in this State for years now, and I have supported it and members on both sides have supported funding a program for assisting volunteer fire departments in the purchase of their equipment at low-interest loans and grants. Unfortunately, for those of us that live in municipalities and pay for our police departments – because of the proximity of the buildings, we need to have a fire department that is there full time and ready to fight fires – we have not qualified for those low-interest loans and grants. What that means is that when I go to my local firemen's parade, I see volunteer companies that surround my district that have bought new equipment with low-interest loans from the State, and they have the best equipment that there is, and unfortunately, my municipal department, because they have to rely on the municipality doing its own bond issues at a higher rate and using the bonding powers of that municipality, we are lagging behind because we do not have the dollars to buy our own equipment, in some cases. So what this does is tries to put municipal departments on equal footing with volunteer departments in terms of being able to purchase equipment, upgrade breathing apparatus, do the kinds of things that have been done for years now with volunteer fire departments.

I have supported those volunteer fire departments for years, and I would hope that those members that have volunteer fire departments would support us in trying to add to the overall firefighting apparatus and contingent throughout the State, not just in those areas that have volunteers.

I would appreciate an affirmative vote on this and ask the members to do so.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### AMENDMENT TABLED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, from Schuylkill County, our majority whip.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I would respectfully ask that we table this amendment until we know more. This is the kind of amendment that would be more properly considered when we are looking at the budget in toto. I guess at this point we would have no idea where these millions of dollars would come from. We are also concerned that this amendment, if added to this bill at this time, could unnecessarily jeopardize its consideration in the Senate and make what is a very, very successful program, important to many of our volunteer fire companies, unduly controversial elsewhere.

The SPEAKER pro tempore. The gentleman, Mr. Argall, moves that amendment A00160 be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Veon, is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I want to oppose this motion to table.

I think the gentleman, Mr. Sturla, made a very effective case here. I understand what the gentleman, Mr. Argall, is talking about. However, he mentioned that we ought to allow this to be done at the time of the budget. In fact, there is already \$25 million in this bill. The gentleman, Mr. Sturla, is talking about adding 8 more million. So if we are going to deal with the \$25 million question here today on the House floor, I think it is only fair that the gentleman, Mr. Sturla, have the opportunity to talk about 8 additional million dollars more to put into this bill.

So I would respectfully ask the members to oppose the motion to table. Thank you, Mr. Speaker.

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

Mr. ARGALL. If I may, Mr. Speaker, we know where the \$25 million will come from for our volunteers; it has already been suggested in the Governor's budget, but we have no idea where this additional \$8 million will come from.

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—99

Adolph	Fichter	Leh	Reichley
Allen	Fleagle	Mackereth	Rohrer
Argall	Flick	Maher	Ross
Armstrong	Forcier	Maitland	Rubley
Baker	Gabig	Major	Sather
Baldwin	Gannon	Marsico	Saylor
Barrar	Geist	McGill	Scavello
Bastian	Gillespie	McIlhinney	Semmel
Benninghoff	Gingrich	McNaughton	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.
Boyd	Good	Millard	Sonney
Bunt	Grell	Miller, R.	Stairs
Cappelli	Habay	Miller, S.	Steil
Causer	Harper	Mustio	Stern
Civera	Harris	Nailor	Stevenson, R.
Clymer	Hasay	Nickol	Taylor, J.
Cornell	Hennessey	O'Neill	True
Crahalla	Herman	Payne	Turzai
Creighton	Hershey	Petri	Watson
Dally	Hess	Phillips	Wilt
Denlinger	Hickernell	Pickett	Wright
DiGirolamo	Kauffman	Quigley	Zug
Diven	Keller, M.	Rapp	
Evans, J.	Kenney	Raymond	Perzel,
Fairchild	Killion	Reed	Speaker
Feese			

### NAYS—89

Bebko-Jones	Eachus	Lederer	Santoni
Belardi	Ellis	Lescovitz	Shanero
Belfanti	Evans, D.	Levdansky	Shapiro
Biancucci	Fabrizio	Manderino	Siptroth
Bishop	Frankel	Mann	Solobay
Blackwell	Freeman	Markosek	Staback
Blaum	George	McCall	Stetler
Browne	Gerber	Melio	Stevenson, T.
Butkovitz	Gergely	Mundy	Sturla

Buxton	Goodman	Myers	Surra
Caltagirone	Grucela	Oliver	Tangretti
Casorio	Gruitza	Pallone	Veon
Cawley	Haluska	Petrarca	Vitali
Cohen	Harhart	Petrone	Walko
Corrigan	Hutchinson	Pistella	Wansacz
Costa	James	Preston	Waters
Cruz	Josephs	Ramaley	Wheatley
Curry	Keller, W.	Readshaw	Williams
Daley	Kirkland	Roberts	Wojnaroski
DeLuca	Kotik	Ruffing	Yewcic
Dermody	LaGrotta	Sainato	Youngblood
DeWeese	Leach	Samuelson	Yudichak
Donatucci			

## NOT VOTING—1

McIlhattan

## EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

The majority 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?  
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?

On that question, the gentleman, Mr. Sturla, is recognized.  
Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the members to support this legislation, in spite of the fact that it did not include the \$8 million for municipal fire departments at this time. My hope would be that we could eventually get to the point – and I have been trying to do this for several years – that we would get to the point where we would understand that a fire is a fire. Whether it occurs in a municipality that has a paid fire department or whether it occurs in a municipality that has a volunteer fire department, all our firefighters deserve the best equipment possible to them, and denying municipal firefighters that possibility of having good equipment when they rush into a burning building I think is sad that we have not been able to do that today, but I will not deny the members of volunteer fire departments that opportunity at this point in time. But I would hope that members would eventually get to the point where they would understand and look into the eyes of my firefighters and explain to them why they refuse to give them the same fair shake.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Nailor, is recognized.

Mr. NAILOR. Thank you, Mr. Speaker.

I have to stand in support of my friend, the gentleman from Lancaster, the city of Lancaster, in that I think he has a real

issue that we need to deal with in the future. I do not think that it belongs on this bill, and we did talk about that, but I would be interested in working with him. As a former deputy controller for a third-class city, I am sensitive to the issues that he brings to us here on the House floor, and I think in the loan program particularly, he has a legitimate concern that I think we need to deal with, and I thank him for his support of my bill.

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—189

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

## NAYS—0

## NOT VOTING—0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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 (JOHN M. PERZEL) PRESIDING**

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Semmel, for the purpose of a suspension of the rules.

Mr. SEMMEL. Mr. Speaker, I move that the rules of the House be immediately suspended to bring up HB 758, PN 920.

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

The following roll call was recorded:

YEAS—189

Adolph	Evans, D.	Lederer	Ruble
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causar	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt

Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalfe	Roebuck		

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 758, PN 920**, entitled:

An Act amending the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, further providing for certified hazardous material response teams.

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

Mr. SEMMEL offered the following amendment No. **A00149**:

Amend Sec. 1 (Sec. 209), page 2, lines 4 and 5, by inserting brackets before and after "include, but not be limited to"

Amend Sec. 1 (Sec. 209), page 2, line 6, by inserting brackets before and after "Standards" and inserting immediately thereafter

Establish standards

Amend Sec. 1 (Sec. 209), page 2, line 10, by inserting brackets before and after "Reviewing" and inserting immediately thereafter

Review

Amend Sec. 1 (Sec. 209), page 2, line 14, by striking out "Reviewing" and inserting

Review

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

The SPEAKER. On that question, the gentleman, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

What it does, grammatical errors in section 1 of the bill; for example, "reviewing" to "review" and so forth.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—189

Adolph	Evans, D.	Lederer	Rubley
Allen	Evans, J.	Leh	Ruffing
Argall	Fabrizio	Lescovitz	Sainato
Armstrong	Fairchild	Levdansky	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Semmel
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Benninghoff	Gabig	Marsico	Siptroth
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGill	Smith, S. H.
Bishop	George	McIlhattan	Solobay
Blackwell	Gerber	McIlhinney	Sonney
Blaum	Gergely	McNaughton	Staback
Boyd	Gillespie	Melio	Stairs
Browne	Gingrich	Micozzie	Steil
Bunt	Godshall	Millard	Stern
Butkovitz	Good	Miller, R.	Stetler
Buxton	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grell	Mundy	Stevenson, T.
Cappelli	Grucela	Mustio	Sturla
Casorio	Gruitza	Myers	Surra
Causler	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickermell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kennedy	Readshaw	Yudichak
DiGirolo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—14

Hanna	O'Brien	Rooney	Thomas
Harhai	Pyle	Schroder	Tigue
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck		

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

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

Mr. STURLA offered the following amendment No. **A00156:**

Amend Title, page 1, line 11, by removing the period after "teams" and inserting ; providing for a low-interest revolving loan program for certain business entities that store or handle hazardous materials; and making an appropriation.

Amend Bill, page 2, line 19, by striking out all of said line and inserting

Section 2. The act is amended by adding a section to read:  
Section 301.1. Hazardous material security low-interest revolving loan program.

The sum of \$10,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Labor and Industry for the purpose of funding a revolving low-interest loan program for businesses that report their use of hazardous materials to the Department of Labor and Industry in compliance with this act. These appropriated funds may be used to augment any Federal funds that may be available under Federal antiterrorism law. Loans shall be used to increase the security of hazardous materials storage facilities and handling areas. The Department of Labor and Industry shall establish the method of loan distribution, loan interest rate and application process and otherwise administer the loan program in a manner that maximizes the security objectives of the loan program.

Section 3. This act shall take effect as follows:

(1) The amendment of section 209(a) of the act shall take effect in 60 days.

(2) The remainder of 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. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, we all know that there are hazardous materials stored throughout the State. The unfortunate circumstance is that in many of those cases, those hazardous materials, in large quantities, whether it be tanker cars sitting in rail yards, whether it be large tanks stored outside of buildings, are not protected from terrorist acts. What this amendment would do is provide a loan pool that would be repaid by those businesses so that we could loan money to those businesses that store hazardous materials so that they could better secure those hazardous materials and prevent disasters in our community.

Imagine, if you will, a train tanker full of chlorine sitting in a rail yard in your community and someone simply taking one stick of dynamite and going out and placing it under that railcar. The devastation that would wreak on a community in Pennsylvania would be beyond compare, and that kind of situation exists all over this State. These dollars would simply be used to help secure the hazardous material that we all agree needs to and is part of our economic fabric. These businesses need this material; they need to be working with it. We are not trying to deny them any ability to use these materials; what we are trying to do is help them secure them in a safe manner for all Pennsylvanians.

So I would encourage members to support this amendment. Thank you. The SPEAKER. The Chair thanks the gentleman.

AMENDMENT TABLED

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall. Mr. ARGALL. Thank you, Mr. Speaker. Mr. Speaker, I would also ask that we table this amendment. The chairman of the committee, Representative Semmel, has indicated a willingness to work with Representative Sturla on this issue, but we just cannot determine priorities like this on the floor of the House with such limited information. We do not know where the money will come from; we do not know where the money will go, and so at this time I would ask that we table the amendment.

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

The SPEAKER. Mr. Veon. The gentleman from Beaver, Mr. Veon. Mr. VEON. Thank you, Mr. Speaker. Mr. Speaker, once again we oppose this motion to table and ask the members for a negative vote. The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and places the gentlelady from Lancaster, Mrs. TRUE, on a leave of absence, without objection.

CONSIDERATION OF HB 758 CONTINUED

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

The following roll call was recorded:

YEAS-110

Table with 4 columns of names: Adolph, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Benninghoff, Birmelin, Boyd, Browne, Bunt, Cappelli, Causer, Civera, Clymer, Cornell, Crahalla, Creighton, Daley, Dally, Denlinger, Fichter, Fleagle, Flick, Forcier, Gabig, Gannon, Geist, Gillespie, Gingrich, Godshall, Good, Grell, Habay, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Killion, Kirkland, Leh, Mackereth, Maher, Maitland, Major, Manderino, Markosek, Marsico, McGill, McIlhattan, McIlhinney, McNaughton, Micozzie, Millard, Miller, R., Miller, S., Mustio, Myers, Nailor, Nickol, Rapp, Raymond, Reed, Reichley, Rohrer, Ross, Rubley, Sather, Saylor, Scavello, Semmel, Smith, B., Smith, S. H., Sonney, Stairs, Steil, Stern, Stevenson, R., Stevenson, T., Taylor, J., Turzai, Watson

Table with 4 columns of names: DiGirolamo, Diven, Ellis, Evans, J., Fairchild, Feese, Hutchinson, James, Josephs, Kauffman, Keller, M., Kenney, O'Neill, Payne, Petri, Phillips, Pickett, Quigley, Wilt, Wright, Zug, Perzel, Speaker

NAYS-77

Table with 4 columns of names: Bebko-Jones, Belardi, Belfanti, Biancucci, Bishop, Blackwell, Blaum, Butkovitz, Buxton, Caltagirone, Casorio, Cawley, Cohen, Corrigan, Costa, Cruz, Curry, DeLuca, Dermody, DeWeese, Donatucci, Eachus, Evans, D., Fabrizio, Frankel, Freeman, George, Gerber, Gergely, Goodman, Grucela, Gruitza, Haluska, Keller, W., Kotik, LaGrotta, Leach, Lederer, Lescovitz, Levdansky, Mann, McCall, Melio, Mundy, Oliver, Pallone, Petrarca, Petrone, Pistella, Preston, Ramaley, Readshaw, Roberts, Ruffing, Sainato, Samuelson, Santoni, Shaner, Shapiro, Siptroth, Solobay, Staback, Stetler, Sturla, Surra, Tangretti, Veon, Vitali, Walko, Wansacz, Waters, Wheatley, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak

NOT VOTING-1

Allen

EXCUSED-15

Table with 4 columns of names: Hanna, Harhai, McGeehan, Metcalfe, O'Brien, Pyle, Rieger, Roebuck, Rooney, Schroder, Taylor, E. Z., Thomas, Tighe, True, Washington

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

VOTE CORRECTION

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

Mr. MARKOSEK. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. MARKOSEK. On that last motion, my machine signified a positive vote, and I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

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

CONSIDERATION OF HB 758 CONTINUED

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—188

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—15

Hanna	O'Brien	Rooney	Tigue
Harhai	Pyle	Schroder	True
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck	Thomas	

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.

#### HARRISBURG LEGISLATIVE LEAVE

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

Mr. BLAUM. Thank you, Mr. Speaker.

Just to request a Capitol leave for the gentleman, Mr. DeWEESE.

The SPEAKER. The Chair thanks the gentleman.

#### RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Raymond, for the purpose of suspension of the rules.

Mr. RAYMOND. Mr. Speaker, I move that the rules be suspended in order to immediately consider HR 151, PN 1122.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—188

Adolph	Evans, D.	Lederer	Ross
Allen	Evans, J.	Leh	Rubley
Argall	Fabrizio	Lescovitz	Ruffing
Armstrong	Fairchild	Levdansky	Sainato
Baker	Feese	Mackereth	Samuelson
Baldwin	Fichter	Maher	Santoni
Barrar	Fleagle	Maitland	Sather
Bastian	Flick	Major	Saylor
Bebko-Jones	Forcier	Manderino	Scavello
Belardi	Frankel	Mann	Semmel
Belfanti	Freeman	Markosek	Shaner
Benninghoff	Gabig	Marsico	Shapiro
Biancucci	Gannon	McCall	Siptroth
Birmelin	Geist	McGill	Smith, B.
Bishop	George	McIlhattan	Smith, S. H.
Blackwell	Gerber	McIlhinney	Solobay
Blaum	Gergely	McNaughton	Sonney
Boyd	Gillespie	Melio	Staback
Browne	Gingrich	Micozzie	Stairs
Bunt	Godshall	Millard	Steil
Butkovitz	Good	Miller, R.	Stern
Buxton	Goodman	Miller, S.	Stetler
Caltagirone	Grell	Mundy	Stevenson, R.
Cappelli	Grucela	Mustio	Stevenson, T.
Casorio	Gruitza	Myers	Sturla
Causer	Habay	Nailor	Surra
Cawley	Haluska	Nickol	Tangretti
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kennedy	Readshaw	Yudichak

DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—15

Hanna	O'Brien	Rooney	Tigue
Harhai	Pyle	Schroder	True
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck	Thomas	

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 A**

**RESOLUTION**

Mr. RAYMOND called up **HR 151, PN 1122**, entitled:

A Resolution renaming the Commission on the Future of the Philadelphia, Pittsburgh and Harrisburg International Airports and the Southeastern Pennsylvania Transportation Authority and expanding its duties.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

Adolph	Evans, D.	Lederer	Ross
Allen	Evans, J.	Leh	Rubley
Argall	Fabrizio	Lescovitz	Ruffing
Armstrong	Fairchild	Levdansky	Sainato
Baker	Feese	Mackereth	Samuelson
Baldwin	Fichter	Maher	Santoni
Barrar	Fleagle	Maitland	Sather
Bastian	Flick	Major	Saylor
Bebko-Jones	Forcier	Manderino	Scavello
Belardi	Frankel	Mann	Semmel
Belfanti	Freeman	Markosek	Shaner
Benninghoff	Gabig	Marsico	Shapiro
Biancucci	Gannon	McCall	Siptroth
Birmelin	Geist	McGill	Smith, B.
Bishop	George	McLhattan	Smith, S. H.
Blackwell	Gerber	McLhinney	Solobay
Blaum	Gergely	McNaughton	Sonney
Boyd	Gillespie	Melio	Staback
Browne	Gingrich	Micozzie	Stairs
Bunt	Godshall	Millard	Steil
Butkovitz	Good	Miller, R.	Stern
Buxton	Goodman	Miller, S.	Stetler
Caltagirone	Grell	Mundy	Stevenson, R.
Cappelli	Grucela	Mustio	Stevenson, T.
Casorio	Gruitza	Myers	Sturla
Causar	Habay	Nailor	Surra
Cawley	Haluska	Nickol	Tangretti
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon

Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—15

Hanna	O'Brien	Rooney	Tigue
Harhai	Pyle	Schroder	True
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck	Thomas	

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

**RULES SUSPENDED**

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

Mr. GODSHALL. Mr. Speaker, I move for an immediate suspension of the rules for the consideration of HB 213, PN 1072.

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

The following roll call was recorded:

YEAS—188

Adolph	Evans, D.	Lederer	Ross
Allen	Evans, J.	Leh	Rubley
Argall	Fabrizio	Lescovitz	Ruffing
Armstrong	Fairchild	Levdansky	Sainato
Baker	Feese	Mackereth	Samuelson
Baldwin	Fichter	Maher	Santoni
Barrar	Fleagle	Maitland	Sather
Bastian	Flick	Major	Saylor
Bebko-Jones	Forcier	Manderino	Scavello
Belardi	Frankel	Mann	Semmel
Belfanti	Freeman	Markosek	Shaner
Benninghoff	Gabig	Marsico	Shapiro
Biancucci	Gannon	McCall	Siptroth
Birmelin	Geist	McGill	Smith, B.
Bishop	George	McLhattan	Smith, S. H.
Blackwell	Gerber	McLhinney	Solobay
Blaum	Gergely	McNaughton	Sonney
Boyd	Gillespie	Melio	Staback
Browne	Gingrich	Micozzie	Stairs
Bunt	Godshall	Millard	Steil



Butkovitz	Good	Miller, R.	Stern
Buxton	Goodman	Miller, S.	Stetler
Caltagirone	Grell	Mundy	Stevenson, R.
Cappelli	Grucela	Mustio	Stevenson, T.
Casorio	Gruitza	Myers	Sturla
Causar	Habay	Nailor	Surra
Cawley	Haluska	Nickol	Tangretti
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Payne	Vitali
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Crahalla	Hershey	Petrone	Waters
Creighton	Hess	Phillips	Watson
Cruz	Hickernell	Pickett	Wheatley
Curry	Hutchinson	Pistella	Williams
Daley	James	Preston	Wilt
Dally	Josephs	Quigley	Wojnaroski
DeLuca	Kauffman	Ramaley	Wright
Denlinger	Keller, M.	Rapp	Yewcic
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Readshaw	Yudichak
DiGiroloamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Kotik	Roberts	
Eachus	LaGrotta	Rohrer	Perzel,
Ellis	Leach		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-15

Hanna	O'Brien	Rooney	Tigue
Harhai	Pyle	Schroder	True
McGeehan	Rieger	Taylor, E. Z.	Washington
Metcalf	Roebuck	Thomas	

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.

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 213, PN 1072**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding an offense and a civil action relating to ecoterrorism.

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

Mr. **LEACH** offered the following amendment No. **A00155**:

Amend Title, page 1, line 4, by striking out all of said line and inserting

eco-intimidation.

Amend Sec. 1 (Sec. 3311), page 3, line 17, by striking out "ECOTERRORISM" and inserting Eco-intimidation

Amend Sec. 1 (Sec. 3311), page 3, line 18, by striking out "ECOTERRORISM" and inserting

eco-intimidation

Amend Sec. 2 (Sec. 8317), page 5, line 28, by striking out "ECOTERRORISM" and inserting

Eco-intimidation

Amend Sec. 2 (Sec. 8317), page 5, line 30, by striking out "ECOTERRORISM" and inserting

eco-intimidation

Amend Sec. 2 (Sec. 8317), page 6, line 1, by striking out "ECOTERRORISM" and inserting

eco-intimidation

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

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

Mr. **LEACH**. Thank you, Mr. Speaker.

Mr. Speaker, the amendment I offer today does not, the first amendment I offer today does not change the substance of this bill at all. What this does is it changes the title of the bill from "ecoterrorism," and all references within the bill, from "ecoterrorism" to "eco-intimidation." I do not object to increasing the penalties for acts of blowing up buildings or setting animal research facilities on fire or any of the things we are trying to get to. However, I do object to the title "terrorist," and let me tell you why.

I believe in this country that we have currently a national consensus on fighting terrorism, and that national consensus is based in large part about a shared understanding of what terrorism is, and we all understand what we believe terrorism is. We all, I am sure, have the same images of people walking onto school buses and blowing themselves up, people flying airplanes into buildings, people taking a bunch of kids hostage and killing a bunch of them at an elementary school. That is what we consider to be terrorism, and I am very troubled by the idea of diluting the term "terrorism" so it includes everything, like in this bill, including things such as summary offenses.

Summary offenses are equivalent to traffic tickets, yet under this bill, if you commit a summary offense, and this bill, keep in mind, does not address physical violence or the threat of physical violence to people. This bill is strictly about property crimes. So what this bill says is that if you commit a summary offense property crime, if you spray-paint on a wall, you know, that circuses are cruel or if you go into a pet store and you sit and you will not leave, you do a sit-in and you will not leave until the police take you away and you commit a trespass, any of those petty offenses, you are, under this bill, labeled a terrorist, and you are labeled a terrorist for the rest of your life.

I checked with both Republican and Democratic counsel on this. If you are convicted under this act, that is what is on your record, not the underlying offense; you are a terrorist. And with all due respect, you know, if you spend some time with real terrorists and looking at what they do, I think this trivializes the term "terrorism," and I think it is an insult to all the people who lost family members and have had loved ones die at the hands of what is really terrorism.

I had a lobbyist, a very good lobbyist come, and they were doing their job, but they came to me and said, well, you know, because they knew about my concern based on some comments in the committee, and they said, look at this. They said, look what they did, and for those of you who cannot see, it is a

spray paint. It says, "Experiment on yourself. Free the animals." Now, that is wrong and that is illegal. It is illegal under current law, but this is not terrorism. Terrorism is not small misdemeanors and summary offenses. Osama bin Laden does not commit summary offenses. Osama bin Laden does not commit offenses for which you get a ticket and send in a fine to a district justice. And if we start diluting that term, I think we undermine the national consensus for the fight on terrorism. Not only that, it becomes a catchall. You know, it is very difficult to vote against something with the word "terrorism" in it. So soon, not only do we have this, you know, it does not only apply to these protesters and people who commit petty offenses, but the same tactics they are talking about here have been used by labor unions, have been used by peace advocates, have been used by people protesting at abortion clinics.

Now, do we want to take people who lie down in front of an abortion clinic, which is a trespass, and will not leave and have to be taken away by the police – I think Operation Rescue, that was their standard tactic – do we want to call those people terrorists? Do we want to go down that road?

You know, I am of the Jewish faith, and it always sort of rankles me, you know, when people say, oh, geez, I was pulled over by a police officer; he was a Nazi. Or, my boss yelled at me; he is a Nazi. Or, you know, I guess there is the Soup Nazi or the Femi-Nazi or, you know, and what I say is, again, spend some time with real Nazis, and I think you will see why this is a trivialization of that and why that would be offensive to some people.

Similarly, we do not call peaceful protesters terrorists. I have no problem with enhancing the penalties, but let us call it what it is, which is eco-intimidation. You know, we already have a law on ethnic intimidation; there is precedent for this. But I think we are insulting people who have been victims of terrorism by calling this terrorism. This is not terrorism. Peaceful protest is not terrorism, and for God's sake, let us respect what terrorism is.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I have three articles here; I would like to just read the headline: "FBI Considers Ecoterrorism A Growing National Threat." I have another article: "Ecoterrorism Suspected in House Fires in Maryland." I have another recent article: "FBI: Huge Apartment Fire May Be Ecoterrorism." Then we go into the National Association of State Universities and Land-Grant Colleges, where they say smashing windows, computers, laboratory equipment, records, and destruction of the same, poultry equipment, et cetera, is ecoterrorism.

And then, the Federal government, specifically the FBI, considers this activity to be ecoterrorism. Recently in a hearing in Washington, DC, the director of the FBI discussed the ever-rising threat of domestic terrorism in the United States. I believe that if the FBI considers this type of behavior to be ecoterrorism, then this Commonwealth should not take it upon itself to declare this activity to be something other than what it is, which is ecoterrorism.

I urge the members to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEACH. Thank you, Mr. Speaker.

I would like to respond to my friend and colleague, Representative Godshall.

I am not saying there is no such thing as ecoterrorism. Certainly people who are, as you describe, certainly people who are blowing up buildings, certainly people who are committing arson, certainly people who are committing murder are guilty of terrorism. That is what terrorism is. But that is not what this bill is, because this bill is not limited to things like that. I have an amendment later on which would say that the predicate crime has to be a felony. But again, this is summary offenses. What I am concerned about is not calling someone who blows up a building a terrorist. What I am concerned about is calling, you know, people who are committing nonviolent, peaceful protests, petty offenses against property, not against people, terrorists, and that is why I am trying to change the bill. I am not changing the penalties; I am only changing the title of the bill.

I would like to just point out, Representative Godshall talked about the FBI. He is right, except that what the FBI calls ecoterrorism is not what this bill calls ecoterrorism. There is ecoterrorism. This bill as it is drafted is not it.

Now, I was given some, you know, what have other States done, and I was given a list, and I have not been able to read the entire statute from every State, but I was given a list, there was a search done, animals and ecoterrorism, and someone just gave this to me and said look at all the other States that have called this ecoterrorism. Then you read the statutes, and so far, none of them call this ecoterrorism. They define the offense. They say anyone who commits property damage is guilty of a felony of the second degree, whatever it is. They enhance the penalties, which I support, but there is not this willy-nilly movement to start calling everything terrorism.

Again, what I said earlier, and I just want to make sure what I said was clear, we have to respect, not terrorists, but we have to respect what terrorism means. It means we cannot treat it trivially and frivolously. I am all for stamping out what Representative Godshall wants to stamp out. My amendment would not change that at all. All it does is change the title from "ecoterrorism" to "eco-intimidation."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Godshall.

Mr. GODSHALL. I really do not think it matters too much what you call it. I know what it is. The FBI knows what it is. Our law enforcement people know what it is. Our land-grant universities who have asked for this bill know what it is, and we have 35,000 pharmaceutical workers in this State who know what it is, whose families are wondering what is going to happen next. You know, this is ecoterrorism, and I ask you to vote "no" on this amendment.

Mr. SURRA. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Leach amendment, and while I support the concept of my colleague's bill, this is one of those situations where we are going to have unintended consequences. This is one of those bills, the statewide building code, like all the other things that we pass and we think are a good idea, and then a year from now we are all going to be back here saying, well, that is not what we meant to do. And I want

to read in the bill what it says; this is what we are voting on. The Representative made a good point about burning down buildings, smashing windows, doing serious damage. The bill says, "A PERSON IS GUILTY OF ECOTERRORISM IF THE PERSON COMMITS AN OFFENSE AGAINST PROPERTY INTENDING TO DO ANY OF THE FOLLOWING:...INTIMIDATE OR COERCE AN INDIVIDUAL LAWFULLY..." participating in certain activities. "Intimidate or coerce." Now, intimidating or coercing, if you are in a group that is using your First Amendment rights and you are out protesting a facility, a landfill, an incinerator, or something that you do not agree with, you are going to label that person a terrorist? And I do not think that is what we should do. I think we should get tougher on some of these more serious penalties, but we have to be careful that we do not trample on the First Amendment rights of every individual.

And this is Patriot Act-like. We are going to feel good voting for this, but some of the consequences of what we are voting for in the language of this bill is not what we ought to be doing, and I do not think it is what we want to do. So let us be clear. Representative Leach's amendment does an important thing by changing it from "ecoterrorism" to "eco-intimidation," and I think it is something we should support.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I have listened carefully to the comments of the gentleman from Montgomery County, Mr. Leach. His comments would tend to portray the events that we are considering here within this statute, this bill, as sort of mundane and sundry events – spray painting, perhaps some minor vandalism. Let me just recount for the House within the last 2 years, less than that actually, the acts of activism by people who I think are correctly regarded as ecoterrorists just against biomedical research entities in Pennsylvania. Stemming from September of last year, one gentleman, Nick Cooney, along with nine others, pled guilty to summary charges for a protest at the home of an employee of a biomedical research facility. These same people were involved in protests at the homes of a principal of the Saul High School, a teacher from the Saul High School, various executives of biomedical firms. They have been prosecuted time and again for one summary offense after another after another, finally resulting in vandalism to these properties.

Let me also, there was reference made about the FBI's regard for these kinds of offenses. In 2003 one group out in California was prosecuted for the arson and vandalism of 120 sport-utility vehicles on one date in West Covina, California. That is not just a bunch of teenagers who went out with a spray can or people who are concerned about what is happening to pets. These same kinds of organizations were later prosecuted in Virginia in Federal court for similar property destructive acts in 2002-2003 against sport-utility vehicles, fast food restaurants, construction vehicles, and construction sites in the Richmond, Virginia, area. These people were all eventually prosecuted. And lastly, just in the last few months, similar kinds of arson and vandalism took place against new housing developments outside Washington, DC, by similar people.

So I want the House to seriously think about the kinds of activities we are talking about here, and I think they do fit into the classification that Representative Godshall has provided. You cannot pick and choose within the context of this statute that somebody who is prosecuted for a summary offense will be an eco-intimidator and somebody else can be regarded as an ecoterrorist. This has to be a uniform classification as we have in all other statutes under the Crimes Code here in Pennsylvania, and I would urge the members to defeat the Leach amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I stand here in support of the gentleman from Montgomery's amendment, and I draw your attention to a situation we had in Philadelphia very recently in which at a festival, actually as it happens in my district, where gay and lesbian, bisexual, and transgendered people were in the street doing a fair and street sale and songs and music, several people from another organization began shouting at them that they needed to repent and that they were sinners and that they should leave the area and clean up their lives. Had they destroyed property – and maybe they did; I was not there – they would be called, I suppose, ecoterrorists.

Now, as we all know, the judge in that case looked at the circumstances and did not think that the people who were at this street fair did anything but express their First Amendment rights. I take her word for it; she viewed videos, and as I said, I was not there and I did not see any videos. But I am not in favor of what these people had to say but I do support their right to say it, and I would not like to have them be labeled ecoterrorists.

I think this bill goes too far. I think it cheapens the term "terrorism." As the maker of this amendment said, nothing has changed in the bill except for the name as it appears in various parts and in the title. I think it is a reasonable approach, and I hope that my colleagues in the name of the First Amendment would support this bill.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the legislation rise for brief interrogation?

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

Mr. STURLA. Mr. Speaker, I have heard a lot of descriptions of what might or might not be classified under this proposed legislation. I guess my question is, is the intent of the person committing the act, is it required that that be proved? And the example I will use, and I will ask whether this applies or not, if there is a high school kid that belongs to the high school Sierra Club or the environmental club at his high school, and after a football game some night, they go out and spray-paint cars in the opposing football team's parking lot, is that an act of ecoterrorism?

Mr. GODSHALL. In the bill it says the prosecution must prove that the person, beyond a reasonable doubt, that the defendant committed an offense against property – that is arson, burglary, robbery, criminal trespass, or vandalism, to name a

few. Then if the prosecution can prove beyond a reasonable doubt that the defendant committed the offense against the property with the intent to intimidate, coerce, prevent, or obstruct a person lawfully participating in an activity involving animals or natural resources, then the person would be guilty of the offense of ecoterrorism. Nothing to do with football games or anything else.

Mr. STURLA. Okay. So there has to be intent proved.

Mr. GODSHALL. Absolutely.

Mr. STURLA. Okay.

Now, in the county I live in, there is a big to-do about puppy mills and people that are producing sick dogs on a regular basis and selling them to the public. If one of those people that got a sick dog and had it die on their child comes back and starts to stand out in front of one of those puppy mills and tells everybody that drives down that driveway, these people produce sick dogs, and they inflict upon their business because of that and in fact they spray-paint a sign out in front of their building or spray-paint it on the ground—

Mr. GODSHALL. The answer is no.

Mr. STURLA. That trespass is not, that if they trespass on that person's property—

Mr. GODSHALL. I mean, you changed that. If they trespass, then it could be if it was proven, again, that they committed the offense against the property with the intent to intimidate, but only with the intent to intimidate.

Mr. STURLA. Okay. And I guess in that particular case, it would be with the intent to intimidate, because they are going to confront the owner of the puppy mill saying, hey, you sold me a sick puppy; my child is distressed because this dog died on him, and this is the third one that has died on us now. I do not know how you could not prove intent to, you know, intimidate in that sense. You know, I want my money back; I demand my money back. A guy goes into court and says, I felt intimidated; they came onto my property; I asked them to leave; they did not leave right away. That person is now an ecoterrorist? Is that what you are saying?

Mr. GODSHALL. No, it does not say that—

The SPEAKER. Mr. Godshall? Mr. Godshall?

Mr. GODSHALL. —because there is a law in Pennsylvania—

The SPEAKER. Mr. Godshall?

Mr. GODSHALL. —you cannot sell illegal puppies. You are breaking the law to begin with.

The SPEAKER. Mr. Godshall, we are now on the substance of the bill and not the Leach amendment. Please confine your remarks to the Leach amendment.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair returns to leaves of absence, and the majority leader asks for a leave of absence for the gentleman from Delaware, Mr. MICOZZIE. Without objection, his name will be added to the leaves of absence.

**CONSIDERATION OF HB 213 CONTINUED**

The SPEAKER. Mr. Sturla, on the amendment.

Mr. STURLA. So I guess, just for clarification, I am allowed to ask questions related to the changing of the name but not how the content of the bill affects the changing of the name?

The SPEAKER. The question that was answered went into the substantive portions of the bill. The gentleman will confine himself to the amendment itself.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I would simply rise and ask for people to support the Leach amendment here. I think it is a reasonable amendment that goes to the heart of what this legislation is about, and I would ask for an affirmative vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair returns to leaves of absence.

The majority whip requests a leave of absence for the gentleman from York, Mr. NICKOL. Without objection, that leave will be granted.

**CONSIDERATION OF HB 213 CONTINUED**

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

The following roll call was recorded:

**YEAS—83**

Bebko-Jones	Donatucci	Lescovitz	Santoni
Belardi	Eachus	Levdansky	Shaner
Belfanti	Evans, D.	Manderino	Shapiro
Biancucci	Fabrizio	Mann	Siptroth
Bishop	Frankel	Markosek	Solobay
Blackwell	Freeman	McCall	Staback
Blaum	George	Melio	Stetler
Butkovitz	Gerber	Mundy	Sturla
Buxton	Gergely	Myers	Surra
Caltagirone	Goodman	Oliver	Veon
Casorio	Grucela	Pallone	Vitali
Cawley	Gruitza	Petrarca	Walko
Cohen	Haluska	Petrone	Wansack
Corrigan	James	Pistella	Waters
Costa	Josephs	Preston	Wheatley
Cruz	Keller, W.	Ramaley	Williams
Curry	Kirkland	Readshaw	Wojnaroski
Daley	Kotik	Roberts	Yewcic
DeLuca	LaGrotta	Ruffing	Youngblood
Dermody	Leach	Sainato	Yudichak
DeWeese	Lederer	Samuelson	

**NAYS—102**

Adolph	Fairchild	Keller, M.	Reed
Allen	Feeze	Kenney	Reichley
Argall	Fichter	Killion	Rohrer
Armstrong	Fleagle	Leh	Ross
Baker	Flick	Mackereth	Rublely
Baldwin	Forcier	Maher	Sather
Barrar	Gabig	Maitland	Saylor
Bastian	Gannon	Major	Scavello
Benninghoff	Geist	Marsico	Semmel
Birmelin	Gillespie	McGill	Smith, B.
Boyd	Gingrich	McIlhattan	Smith, S. H.
Browne	Godshall	McIlhinney	Sonney
Bunt	Good	McNaughton	Stairs
Cappelli	Grell	Millard	Steil
Causer	Habay	Miller, R.	Stern
Civera	Harhart	Miller, S.	Stevenson, R.
Clymer	Harper	Mustio	Stevenson, T.
Cornell	Harris	Nailor	Taylor, J.

Crahalla	Hasay	O'Neill	Turzai
Creighton	Hennessey	Payne	Watson
Dally	Herman	Petri	Wilt
Denlinger	Hershey	Phillips	Wright
DiGirolamo	Hess	Pickett	Zug
Diven	Hickernell	Quigley	
Ellis	Hutchinson	Rapp	Perzel,
Evans, J.	Kauffman	Raymond	Speaker

NOT VOTING—0

EXCUSED—18

Hanna	Nickol	Rooney	Thomas
Harhai	O'Brien	Schroder	Tigue
McGeehan	Pyle	Tangretti	True
Metcalf	Rieger	Taylor, E. Z.	Washington
Micozzie	Roebuck		

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?

The SPEAKER. Does the gentleman, Mr. Leach, intend to offer the next amendment, amendment 159? Or the 170? The Chair thanks the gentleman. The gentleman withdraws.

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

Mr. **GEORGE** offered the following amendment No. **A00162**:

Amend Sec. 1 (Sec. 3311), page 4, by inserting between lines 24 and 25

(c.1) Immunity.—A person who exercises the right of petition or free speech under the United States Constitution or the Constitution of Pennsylvania on public property or with the permission of the landowner where the person is peaceably demonstrating or peaceably pursuing his constitutional rights shall be immune from prosecution for these actions under this section or from civil liability under 42 Pa.C.S. § 8317 (relating to ecoterrorism).

Amend Sec. 2 (Sec. 8317), page 6, by inserting between lines 21 and 22

(d) Liability.—Any private person who threatens or pursues arrest, prosecution or litigation based on 18 Pa.C.S. § 3311 or this section for actions that are covered under 18 Pa.C.S. § 3311(c.1) shall be liable for civil damages under this section.

(e) Accountability.—No person who has been found guilty under 18 Pa.C.S. § 3311, liable under this section, or who unsuccessfully sought damages in court against a defendant's lawful communication aimed at procuring favorable governmental action on an environmental matter and then paid damages to the defendant through a verdict or a settlement shall not be eligible to receive any permit from the Department of Environmental Protection for activities regulated by the Department of Environmental Protection. The Department of Environmental Protection shall also not grant any permit to operate any type of facility regulated by the department where an applicant is using property owned by a person covered under this section or making or promising payments larger than \$1,000 per year to any person covered under this section.

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. George, indicates that he is withdrawing 162 and 163 – is that correct? – and going to 166.

Mr. GEORGE. You are right, Mr. Speaker.

The SPEAKER. 166.

Mr. GEORGE. 163.

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

Mr. **GEORGE** offered the following amendment No. **A00163**:

Amend Sec. 1 (Sec. 3311), page 4, by inserting between lines 24 and 25

(c.1) Immunity.—A person who exercises the right of petition or free speech under the United States Constitution or the Constitution of Pennsylvania on public property or with the permission of the landowner where the person is peaceably demonstrating or peaceably pursuing his constitutional rights shall be immune from prosecution for these actions under this section or from civil liability under 42 Pa.C.S. § 8317 (relating to ecoterrorism).

Amend Sec. 2 (Sec. 8317), page 6, by inserting between lines 21 and 22

(d) Accountability.—No person who has been found guilty under 18 Pa.C.S. § 3311, liable under this section, or who unsuccessfully sought damages in court against a defendant's lawful communication aimed at procuring favorable governmental action on an environmental matter and then paid damages to the defendant through a verdict or a settlement shall not be eligible to receive any permit from the Department of Environmental Protection for activities regulated by the Department of Environmental Protection. The Department of Environmental Protection shall also not grant any permit to operate any type of facility regulated by the department where an applicant is using property owned by a person covered under this section or making or promising payments larger than \$1,000 per year to any person covered under this section.

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

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

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

Mr. GEORGE. If I may, Mr. Speaker, may I ask you to advise our Parliamentarian that I choose to split this amendment if in fact you decide it is, split between 10 and 11, if you will, sir.

The SPEAKER. The Parliamentarian indicates that the amendment is divisible between line 10 and line 11, Mr. George.

Mr. GEORGE. Thank you.

## PART 2 OF AMENDMENT WITHDRAWN

The SPEAKER. Do you wish to withdraw the second portion of the amendment?

Mr. GEORGE. I do indeed. I do indeed, Mr. Speaker.

The SPEAKER. One second, Mr. George.

The House has before it the George amendment, lines 1 through 10.

On the question,

Will the House agree to part 1 of the amendment?

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

Mr. GEORGE. I thank you, Mr. Speaker. I shall not be very long, but I would hope that you would give me just a couple of minutes of what I feel in my heart and what I think you sincerely believe at times.

We are a country, this great United States, that has been faced with a situation that hopefully we will never be faced with again, and that is terrorism, where we have lost trillions of dollars, but more importantly, we have lost thousands of lives. And I want to remind you that right today, it is in all possibility we might lose another one of our young Americans over there fighting for one thing, and that is our constitutional privileges and our Bill of Rights.

Now, I have heard the argument on what is terrorism, but I have watched over my 30 years that there have been times when peaceful individuals stand up and address a problem that somebody takes issue with them, and that should not be. Our first line of defense may be in Washington as far as terrorism, but our first line of defense in protecting the Constitution of this country and our Pennsylvania Commonwealth lies right here.

Today we swore in a new member. There will be no other task as important as the one that I ask you to participate in today. I am not a historian, but I do know from what I read that 235 years ago, on almost this date, March 10, our General Assembly ratified the U.S. Bill of Rights. These are sacred rights, and officials and the military around this country take the oath and are laying down their lives to give us this right.

So all I am asking you to do – it does not change this bill; it does not weaken it; it does not strengthen it – all I am saying is that if a group of people choose to demonstrate in a peaceful manner, that there will be no retribution. They have every right to stand up and place their rights before the public. Whether it is a strike, whether it is schoolteachers, whether it is union, whether it is environmentalists, whether it is farmers, we have every right to pick ourselves up and demonstrate in a peaceful manner our rights to the Constitution of Pennsylvania. That is all this bill does, and if you do not believe in it, maybe none of us ought to be here.

So I simply say to you, let anyone dare to stand and tell me it violates the premise of the bill, because it does not. The sponsor of this bill is almost, maybe more, of an environmentalist and an outdoorsman as I am, but if we even demonstrate against government out on our forestlands, we do not want arrested because we have a right to demonstrate. If it is a landfill, we have every right to demonstrate. If it is something that is going to terrorize us, we have a right to demonstrate. As long as it is peaceful, as long as it is with permission, and as long as it causes no harm, no bodily harm, no property harm, we still have

this right, and I would ask that you join me and place this into the bill in that it does a world of good for this legislature in that we do in fact support the Constitution and what it gives us, those of us that are ordinary, not just those of us that are rich.

I ask that we support this constitutional amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect to the sentiments voiced by the gentleman from Clearfield, I am asking the members to defeat this amendment because it has nothing to do with constitutionality.

The statements he made are very emotional and heartfelt, I am sure, but when looking at the Constitution and law, as some of my colleagues from throughout the chamber who have practiced law would know, you do not allow emotion to intervene in these kinds of decisions, and the behavior that the gentleman has extolled is protected by both law and the Constitution, but what the Godshall bill seeks to prosecute are people who go beyond just what the gentleman seeks to have protected, because there is personal harm committed, there is property harm committed in the actions which the Godshall bill, HB 213, would seek to prosecute.

In the situations which the gentleman has pointed to, those are matters of free speech, but if you look at the underlying offenses behind HB 213, there is no constitutional right to assault other individuals to make your points; there is no constitutional right to burn or damage or deface the property of another to make your constitutional point, and that this situation really elaborated upon within the amendment filed by Mr. George has an inherent flaw in that it would seek to grant some kind of exemption from activity done with the permission of the landowner. Well, you would not be prosecuted if you had done it with the permission of the landowner. So there is an inherent flaw in the language of the amendment.

But beyond that, Mr. Speaker, I am asking the members to defeat this amendment because there is no need for it. The constitutional behavior which the gentleman seeks to protect will still be protected outside of this legislation, and in fact, what he seeks to do is to create some kind of special exemption for those who would engage in unconstitutional behavior to threaten, to intimidate, to coerce, to destroy. As a result, I am asking the General Assembly to defeat the amendment.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. First, may I apologize to you, my friend and scholar and my colleague, and I am embarrassed in that I know not as much as that gentleman knows about the law, but you know, Mr. Speaker, it is these people that know so much about the law that get us in one heck of a lot of trouble from time to time.

Now, listen, Mr. Speaker, I know the difference between scratching my rear and tearing it to pieces, and I also know that this does not harm anybody. I did not ask and we did not put it in language that we are going to stand there and demonstrate and hurt your property. There are laws right now that take care of that. We do not need this amendment. There are laws that take care of those of the powerful and those of the privileged without us standing here for all that is concerned.

You vote the way you want, but I know what I am told in my heart. I am down here to take care of the ordinary man who should have the same privileges as those that are fortunate and affluent, and I would ask that any respectable person would believe that demonstrating is not an abuse to our rights to the Constitution. The gentleman, Mr. Leach, asked that we take the word “terrorism” out of that. I know what the difference between terrorism is. You are trying to terrorize my amendment. Let us vote for this thing.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. George, would submit to a brief interrogation.

The SPEAKER. The gentleman indicates he will submit to a brief interrogation. The gentleman is in order and may proceed.

Mr. BIRMELIN. Mr. Speaker, I think the difference in the arguments that have been made by you and by Mr. Reichley center around the words that are found in line 8, where it says, they “...shall be immune from prosecution for these actions...” Would you please explain to me what actions you are referring to in your amendment. Number one, are they either the actions of the free-speech activity or are they the actions of the violation of the statute that Mr. Godshall has put in place concerning property crimes, et cetera?

Mr. GEORGE. If I may, Mr. Speaker, they are only immune from peaceful activities that we normally take for granted. I am reminded of a case, if I may elaborate, where an old 81-year-old lady – I should say young 81-year-old lady – called a legislator about someone who was excavating and put water into her basement 6 feet deep and she could not use her furnace, and when she called and the legislator attempted to help her, just that quick she was called out to western Pennsylvania, to Pittsburgh, where she was sued, and there was nothing libelous about her charge and there was nothing slanderous. She had a right to demonstrate. She had a right to go to the Department of State that issued that permit.

Teachers have a right to stand up. I do not care whether you are pro-life or pro-choice, you have a right. I do not care whether you are pro this or pro that, you have that right, and as long as you stand here in America, we will always have that right unless we in this House of Representatives choose to remove that right.

Thank you for your question.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I guess I am assuming then from your response to my question that those words “immune from prosecution for these actions” apply only to those actions which were a portion of the free-speech activities that we are granted in the Constitution, that you are not trying to give protection to those who may have committed other felonies or misdemeanors or summary offenses. A yes-or-no answer would be—

Mr. GEORGE. Yes, indeed, and thank you for the question, but you are right on target with the answer.

Thank you.

Mr. BIRMELIN. Okay. Thank you very much.

Mr. Speaker, just briefly. I see no harm in this amendment, and I see no real advantage to it either, so I do not think there is any reason why we could not vote for it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect, the language in the George amendment is so vague that it would encompass just those felonies and misdemeanors that the gentleman from Wayne just referred to. Where does he draw the line between burning down the building that he finds to be so objectionable and the discussion of doing it and the protesting?

The law is equal for all people; he is correct. It is equal for both the prosecution and the defense in any kinds of these actions. But to leave the language so amenable and open to interpretation, as Mr. George is proposing, would grant a get-out-of-jail-free card to anybody who would propose to engage in the kinds of acts that I described, where we spoke about the previous amendment – the continuous summary offenses, the protesting at private homes, the desecration of private property, invasion of privacy – finally resulting in both intimidation and coercion and destruction of private property.

So the gentleman from Clearfield needs to have an amendment more specifically drawn. If it is something he wants defined as “peaceful speech,” he needs to do just that, but the language of this amendment is so encompassing and so broad that it potentially would obviate people who would violate section 2102, desecration of the flag, because people could, theoretically, peaceably burn the flag, but under Pennsylvania law, you cannot do that either. So this amendment should be defeated as being overly vague in the way it is drafted.

Thank you.

The SPEAKER. The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I spent zero days in law school, but I did listen to the gentleman from Clearfield’s commentary very, very closely, and at one point he talked about this amendment, and he said that it does not strengthen the bill and it does not weaken the bill. I think he is right. I think it is meaningless. We cannot do anything here to change the Bill of Rights, nor should we, unless someone here wants to put a bill up to amend the Federal Constitution and then go through that whole exercise in going out to all of the other State legislators across the State.

The gentleman from Clearfield also, I think mistakenly on his part, said we do not need this amendment. However, I do believe he is accurate, that we do not need this amendment. It does not do anything. We are not allowed to address the Bill of Rights, and so this is an amendment that I would respectfully ask, just for simple common sense, a “no” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to support the George amendment.

I believe that the amendment is pretty clear where it states “...or with the permission of the landowner where the person is peaceably demonstrating or peaceably pursuing his constitutional rights...”

When we talk about those that are afraid that it is not clear enough, that there is going to be a felony included here, and that this could somehow circumvent that person or that group from being prosecuted, that felony is not a constitutional right; it is not a constitutional right. All this amendment does is clarify that those that have a voice, that need to respond to a potential of a SLAPP (Strategic Lawsuits Against Public Participation) suit or

some other threat from those that have the resources to do that, this just clarifies that that is not going to be permitted.

In my legislative history, I know what a SLAPP suit is, because a group in my district was demonstrating and trying to represent the interest of the regional community and they were threatened with a SLAPP suit.

So I think this is a good amendment. I join with Representative George and Representative Birmelin and ask your positive vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

The gentleman from Clearfield was talking about pertaining to a woman who had a basement flooded and so forth. There is nothing in here that denies the right of that person to demonstrate anywhere that they want to as long as they do it peacefully. What we are saying here is the prosecution must prove that the person, beyond a reasonable doubt, a defendant, committed a crime against property; that is arson, burglary, robbery, and so forth. It is the prosecution can prove beyond a reasonable doubt the defendant committed the offense against the property with the intent to intimidate, with the intent to intimidate and, of course, prevent or obstruct the lawful participation in an activity involving animals, animals or natural resources, is what we are talking about. We are not talking about the peaceful demonstration of picketing at a mine. We are not talking about peaceful demonstrations anywhere or legal demonstrations. We are talking about property destruction. We are talking about the threatening of people and their kids going to school. We are talking about 36,000 pharmaceutical workers in Pennsylvania that have a problem because they do not know if their property is going to be there where their jobs are. We know that records are being destroyed. We know that research is being destroyed.

You know, we are not destroying free speech. We are adding an offense. We are upgrading offenses to try to prevent what is happening out in the real world, and I ask for a defeat of this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the George amendment, and while you can stand up and say that it is vague, the reason we need that language in there is because this bill is very, very vague.

There are plenty of laws on the books today, existing laws, that if you use your constitutional, God-given American right to stand up and speak out against something and you cross that line where you smash windows, you destroy property, or you punch somebody in the nose, you are breaking a law already. What this does is creates ecoterrorism, and it says right in the bill, for intimidating or coercing someone.

Now, I stand here today to tell you, when you are standing on a sidewalk and you are carrying a sign and you are talking down or you are talking against some facility or some issue and you happen to be the person on the other side of that issue, it is darn intimidating, and some district attorney is going to label someone using their constitutional rights as a terrorist. Without

the Leach amendment, that is what this does. You are going to label these people a terrorist for the rest of their lives.

You know, I am sure that there are people up in Snow Shoe who want to be able to intimidate and protest the potentially largest landfill east of the Mississippi River that is being proposed there, and they have that right, and we as a General Assembly should support that right. I am sure that people in Boggs Township, Clearfield County, feel the same way or the people in Hazleton with the sludge problem or the people in Tamaqua. They have that right, and we should protect that right.

What about the pharmaceutical company that has an animal testing section? What about the pro-life group that goes there and protests the study of an abortion pill that is also being used in that facility and some district attorney deems that they are being intimidating? Are they going to be terrorists? Is that what we want to do here today? I mean, I think we could all support the concept of what we are trying to do for violent offenses, but this bill is very, very broad, Mr. Speaker, and we need to put some of these amendments in.

So I would encourage a "yes" vote on the George amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. You do not have to go to law school to understand the Constitution. You have to go to eighth grade to have American history and understand what freedom of speech is all about.

Now, what we are about here in this General Assembly is to protect the rights of all people. We watched the swearing-in today of a young man, like we all were sworn in to defend and obey the Constitution of the United States and the Constitution of Pennsylvania, and here we are saying today, here we are saying today, we are going to tweak away the right of freedom of speech.

You know, any government, any government, any government in this country that does that is a tyrannical and oppressive government. We all know if you take away someone's right to voice their opinion, to stand up, that is the beginning of the end of the process. We are not an oligarchy or a monarchy; we are a democracy. Patrick Henry said, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?...I know not what course others may take, but as for me, give me liberty or give me death!"

Liberty is the freedom of speech. Vote "yes."

On the question recurring,

Will the House agree to part 1 of the amendment?

The following roll call was recorded:

YEAS-98

Bebko-Jones	Eachus	Lescovitz	Sainato
Belardi	Evans, D.	Levdansky	Samuelson
Belfanti	Fabrizio	Maher	Santoni
Biancucci	Fairchild	Manderino	Sather
Birmelin	Forcier	Mann	Shaner
Bishop	Frankel	Markosek	Shapiro
Blackwell	Freeman	McCall	Siproth
Blaum	George	Melio	Solobay
Butkovitz	Gerber	Mundy	Staback
Buxton	Gergely	Myers	Stern



Caltagirone	Goodman	Nailor	Stetler
Casorio	Grucela	Oliver	Sturla
Cawley	Gruitza	Pallone	Surra
Cohen	Habay	Petrarca	Veon
Corrigan	Haluska	Petrone	Vitali
Costa	Herman	Phillips	Walko
Creighton	James	Pistella	Wansacz
Cruz	Josephs	Preston	Waters
Curry	Keller, W.	Ramaley	Wheatley
Daley	Kirkland	Rapp	Williams
DeLuca	Kotik	Readshaw	Wojnaroski
Dermody	LaGrotta	Roberts	Yewcic
DeWeese	Leach	Rohrer	Youngblood
Diven	Lederer	Ruffing	Yudichak
Donatucci	Leh		

## NAYS—87

Adolph	Feese	Keller, M.	Reichley
Allen	Fichter	Kenney	Ross
Argall	Fleagle	Killion	Rubley
Armstrong	Flick	Mackereth	Saylor
Baker	Gabig	Maitland	Scavello
Baldwin	Gannon	Major	Semmel
Barrar	Geist	Marsico	Smith, B.
Bastian	Gillespie	McGill	Smith, S. H.
Benninghoff	Gingrich	McIlhattan	Sonney
Boyd	Godshall	McIlhinney	Stairs
Browne	Good	McNaughton	Steil
Bunt	Grell	Millard	Stevenson, R.
Cappelli	Harhart	Miller, R.	Stevenson, T.
Causser	Harper	Miller, S.	Taylor, J.
Civera	Harris	Mustio	Turzai
Clymer	Hasay	O'Neill	Watson
Cornell	Hennessey	Payne	Wilt
Crahalla	Hershey	Petri	Wright
Dally	Hess	Pickett	Zug
Denlinger	Hickernell	Quigley	
DiGiroilamo	Hutchinson	Raymond	Perzel,
Ellis	Kauffman	Reed	Speaker
Evans, J.			

## NOT VOTING—0

## EXCUSED—18

Hanna	Nickol	Rooney	Thomas
Harhai	O'Brien	Schroder	Tigue
McGeehan	Pyle	Tangretti	True
Metcalfe	Rieger	Taylor, E. Z.	Washington
Micozzie	Roebuck		

The majority having voted in the affirmative, the question was determined in the affirmative and part 1 of the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to HB 213. I will try to be brief. I just want to make a couple of points.

This bill has been opposed by the Humane Society and PLAN (Pennsylvania Legislative Animal Network), two animal rights groups. One reason they cite for this bill is it is simply overbroad in its nature. They cite three different examples of actions by animal rights protesters that would be caught under this.

If a protester, for example, at a pigeon shoot was on the side of the road, saw a wounded pigeon on property, private property, and scooped it up, they in the past have been charged with theft for that action, and because that is a crime against property, that action would constitute a violation of this bill, and because of their picking up a wounded pigeon by the roadside, they would be able to be convicted of ecoterrorism.

The second example they cite is an animal rights protester going to a pet store to protest perhaps inhumane conditions at a pet store and inadvertently committing the crime of trespass in that store. They would be guilty under this act of ecoterrorism.

Mr. Speaker, another reason to oppose this bill is that there has been no demonstration that it is actually needed. There has been no demonstration that the current laws on the book, the current Crimes Code laws on the book, against criminal trespass, criminal mischief, and so forth are not adequate in addressing this problem. I think you have to ask yourself the question, have your local district attorneys been saying to you, our hands are tied; current laws are inadequate; we cannot deal with these problems with the current laws; you need to change them? I do not think that— I have not been hearing that, and I do not think that you have either.

Mr. Speaker, earlier today we passed HR 143 by Representative Reichley, cosponsored by about 45 others, and that was “Animal Abuse Awareness Week.” We passed earlier today “Animal Abuse Awareness Week,” a very good thing that talked about animal cruelty and made the point, “...Where there is animal cruelty, there is” – and I will quote – “likely to be some other form of violence such as spousal abuse, child abuse or elder abuse...” It rightly pointed out the problems with animal abuse and the need to be aware. Well, what those animal rights protests are doing is making us aware of these problems, and sometimes inadvertently they cross that line, but that does not make them terrorists, Mr. Speaker.

I think that with regard to this bill, it goes well beyond the damage to the veterinary labs. This deals with many other scenarios, and for that reason I would ask for a “no” vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 213 and ask my colleagues to give serious consideration to a “yes” vote on this legislation.

There are two points that I want to make about the legislation, and I think one was not made at all, and one I think the point got lost in a lot of the other discussion. One of the things that is very important to me about this bill is that it really is more a bill about the penalties and trying to put a serious nature on what is happening out there. I have had – some people have mentioned – I have had the agricultural school and their programs that help young people who want to learn to become veterinarians and veterinarian assistants, I have had their program vandalized and their principals’ and teachers’ homes

and families and neighbors targeted. I have had a friend who is an office administrator at a research facility at Penn have her home and family targeted and another friend who is a consultant with a pharmaceutical company have his home targeted. And the notion behind the target is to try to intimidate you from doing what you do for a living by lawful, which is not covered by this, and unlawful activities.

What this is basically saying is, if you are going to engage in those unlawful activities for the purpose of intimidating somebody, you are intimidating a whole class of folks. That is what you are trying to do. It is the same way that we have enhanced penalties for ethnic intimidation or racial intimidation, because your point there is to not just affect that one person but the whole class of people, and the seriousness of that is recognized by this, by just a penalty enhancement; that if it would have been a summary under the existing laws, it will be an M3 (misdemeanor 3) under this law, and it just bumps everything up one degree to note the seriousness of it, because it is kind of trying to affect and intimidate everyone's behavior and not just that one person.

But most importantly, something that has not been talked about at all that is very important in this bill is a civil action, a civil action for those who have had their property damaged illegally by these acts, because that is how you bear the consequences of what it is you are doing. Whether it is an individual's home property that has been damaged or a company's business property that has been damaged, there is a civil cause of action that I believe is very important to address this issue. It provides for treble-down damages, which I think sends a seriousness about this and gives a real remedy to the people who are affected, and so I ask for an affirmative vote.

Thank you.

The SPEAKER. The Chair thanks the gentledady.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

Very briefly, I appreciate the remarks from the gentledady from Philadelphia, and I just want to rebut a little bit of the remarks of the gentleman from Delaware County saying that there is no need, there is no demonstration that these things are happening. The FBI listed 1,100 incidents over the last number of years that were put on by these people in destruction of property and so forth.

Law enforcement in Pennsylvania has unanimously come out in favor of this legislation as well as our land-grant colleges – University of Pennsylvania, Temple, and the University of Pittsburgh, and so forth. So there is a need for this legislation.

The civil penalties, as was mentioned by the gentledady from Philadelphia, are there because what is happening out there now is, the slap on the wrist that these people are getting is not working.

I just want to read one paragraph in conclusion. This was after a property was burnt down in Pennsylvania that was costing \$700,000 to replace. The Earth Liberation Front said, "In pursuance of justice, freedom, and equal consideration for all innocent life across the board, segments of this global revolutionary movement are no longer limiting their revolutionary potential by adhering to a flawed, inconsistent 'non-violent' ideology. While innocent life will never be harmed in any action we undertake, where it is necessary, we will no longer hesitate to pick up the gun to implement justice, and provide the needed protection for our planet that decades of

legal battles, pleading, protest, and economic sabotage have failed so drastically to achieve."

So they are saying, burning down buildings is peaceful activity. In essence, what they are saying here is, and they will pick up a gun to make sure that these activities are furthered. So there is a need for this legislation. I would appreciate a "yes" vote.

Thank you.

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—168

Adolph	Evans, D.	Kotik	Reed
Allen	Evans, J.	LaGrotta	Reichley
Argall	Fabrizio	Lederer	Roberts
Armstrong	Fairchild	Leh	Rohrer
Baker	Feese	Lescovitz	Ross
Baldwin	Fichter	Mackereth	Rubley
Barrar	Fleagle	Maher	Ruffing
Bastian	Flick	Maitland	Sainato
Belardi	Forcier	Major	Samuelson
Belfanti	Gabig	Manderino	Santoni
Benninghoff	Gannon	Mann	Sather
Biancucci	Geist	Markosek	Saylor
Birmelin	George	Marsico	Scavello
Bishop	Gerber	McCall	Semmel
Blackwell	Gergely	McGill	Shaner
Blaum	Gillespie	McIlhattan	Shapiro
Boyd	Gingrich	McIlhinney	Sipthoth
Browne	Godshall	McNaughton	Smith, B.
Bunt	Good	Melio	Smith, S. H.
Butkovitz	Goodman	Millard	Solobay
Caltagirone	Grell	Miller, R.	Sonney
Cappelli	Grucela	Miller, S.	Staback
Causar	Gruitza	Mundy	Steil
Cawley	Habay	Mustio	Stern
Civera	Haluska	Myers	Stevenson, R.
Clymer	Harhart	Nailor	Stevenson, T.
Cohen	Harper	Oliver	Taylor, J.
Cornell	Harris	O'Neill	Turzai
Corrigan	Hasay	Pallone	Wansacz
Costa	Hennessey	Payne	Waters
Crahalla	Herman	Petrarca	Watson
Creighton	Hershey	Petri	Wheatley
Cruz	Hess	Petrone	Williams
Daley	Hickernell	Phillips	Wilt
Dally	Hutchinson	Pickett	Wojnaroski
DeLuca	James	Pistella	Wright
Denlinger	Josephs	Preston	Youngblood
Dermody	Kauffman	Quigley	Yudichak
DeWeese	Keller, M.	Ramaley	Zug
DiGirolamo	Keller, W.	Rapp	
Diven	Kenney	Raymond	
Donatucci	Killion	Readshaw	Perzel,
Ellis	Kirkland		Speaker

#### NAYS—16

Bebko-Jones	Eachus	Levdansky	Surra
Buxton	Frankel	Stairs	Veon
Casorio	Freeman	Stetler	Vitali
Curry	Leach	Sturla	Yewcic

## NOT VOTING—1

Walko

## EXCUSED—18

Hanna	Nickol	Rooney	Thomas
Harhai	O'Brien	Schroder	Tigue
McGeehan	Pyle	Tangretti	True
Metcalf	Rieger	Taylor, E. Z.	Washington
Micozzie	Roebuck		

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. Monday will be a nonvoting day.  
There will be no further votes today.

**SUNSHINE NOTICE**

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

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

NOTICE  
SESSION TIME  
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of October 15, 1998, P.L. 729, Number 93, that the House of Representatives has revised the 2005 Session Calendar as follows:

Monday, April 4, is now a Non-voting Session Day  
Monday, March 21, is now a Non-voting Session Day

Ted Mazia, Chief Clerk  
Friday, March 18, 2005

**RULE 15 SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move to suspend rule 15 so that we can convene on March 21 at 11 a.m.

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

**VOTE CORRECTION**

The SPEAKER. The gentleman, Mr. Walko, is recognized.

Mr. WALKO. Mr. Speaker, I rise to correct the record.  
May I?

The SPEAKER. The gentleman is in order.

Mr. WALKO. On HB 213 my switch malfunctioned. I wish to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

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

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 129, PN 132**

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for flying while impaired; and imposing penalties.

TRANSPORTATION.

**VOTE CORRECTION**

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

Mr. GEORGE. I inadvertently, on the final passage of HB 213, voted "yes." I would like to change that to "no," if I may, please.

The SPEAKER. The Chair thanks the gentleman.

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

**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.

**RECESS**

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Siptroth.

Mr. SIPTROTH. Mr. Speaker, I move that this House do now recess until Monday, March 21, 2005, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:10 p.m., e.s.t., the House recessed.