

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 11, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 32

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. WARREN D. SICKMAN, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O God, Almighty Father, king of kings and Lord of all our rulers, grant that the hearts and minds of all our leaders, statesmen, judges, and men of learning and men of wealth may be so filled with Thy love of Thy laws and that which is righteous and life-giving that they may be worthy stewards of Thy good and perfect gifts. 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, May 10, 2005, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1570 By Representatives RAYMOND, ARMSTRONG, BEBKO-JONES, BELFANTI, BENNINGHOFF, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CASORIO, CAUSER, CORNELL, CRAHALLA, CREIGHTON, DALLY, EACHUS, FICHTER, GANNON, GEIST, GINGRICH, GOODMAN, HABAY, HARHAI, HARRIS, HICKERNELL, M. KELLER, KOTIK, LEH, MANN, NAILOR, O'NEILL, PALLONE, PETRARCA, PYLE, QUIGLEY, REED, SEMMEL, SHANER, SOLOBAY, STURLA, TRUE, WALKO, WILT, YOUNGBLOOD and GOOD

An Act providing for the rights of law enforcement officers concerning certain complaints and grievances; authorizing certain civil suits by police officers; providing for impact of collective bargaining agreements and for summary suspensions.

Referred to Committee on JUDICIARY, May 11, 2005.

No. 1571 By Representatives JAMES, WATERS, McGEEHAN, KIRKLAND, BEBKO-JONES, BELFANTI, BLAUM, CALTAGIRONE, DeWEESE, GOODMAN, JOSEPHS, METCALFE, PRESTON, REICHLEY, ROONEY, SHANER, THOMAS, TIGUE, WILLIAMS, WASHINGTON and YOUNGBLOOD

An Act specifying the individuals who are entitled to receive autopsy reports and associated medical records prepared by coroners and medical examiners.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 11, 2005.

No. 1572 By Representatives JAMES, FREEMAN, LEVDANSKY, WATERS, BEBKO-JONES, BELFANTI, BISHOP, BLACKWELL, CALTAGIRONE, CRUZ, D. EVANS, FRANKEL, GEORGE, GERGELY, GOODMAN, LEACH, PALLONE, RAMALEY, READSHAW, REICHLEY, SHANER, STABACK, STURLA, THOMAS, WALKO, WASHINGTON, WHEATLEY, WILLIAMS, YOUNGBLOOD and SAMUELSON

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, further providing for application by mail relating to registration.

Referred to Committee on STATE GOVERNMENT, May 11, 2005.

No. 1573 By Representatives JAMES, FREEMAN, LEVDANSKY, WATERS, BEBKO-JONES, BELFANTI, BLACKWELL, CALTAGIRONE, CRUZ, D. EVANS, FRANKEL, GERGELY, GOODMAN, LEACH, MANDERINO, READSHAW, SHANER, STABACK, THOMAS, WALKO, WASHINGTON, WHEATLEY, WILLIAMS and YOUNGBLOOD

An Act providing for election day registration; and imposing penalties.

Referred to Committee on STATE GOVERNMENT, May 11, 2005.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 309 By Representatives BUNT, HERSHEY, HERMAN, DALEY, BAKER, BALDWIN, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BIANCUCCI, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, CREIGHTON, DeWEESE, FABRIZIO, FAIRCHILD, FICHTER, FLEAGLE, GEIST, GEORGE, GOODMAN, GRUCELA, HALUSKA, LEVDANSKY, MARKOSEK, McILHATTAN, S. MILLER, O'NEILL, PALLONE, PHILLIPS, PICKETT, PRESTON, PYLE, READSHAW, REICHLEY, ROBERTS, SAYLOR, SHANER, B. SMITH, STABACK, STAIRS, SURRA, TIGUE, WALKO, WATSON, WHEATLEY, WILT, YOUNGBLOOD, ROEBUCK and KILLION

A Concurrent Resolution memorializing the Congress of the United States to maintain funding for higher education research programs in animal health, agriculture and forestry; and urging the Pennsylvania delegation to oppose funding reduction in these areas.

Referred to Committee on RULES, May 11, 2005.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House guests of Representative Thaddeus Kirkland and Representative LeAnna Washington. They are seated in the gallery. They are the Alpha Kappa Alpha Sorority, Inc. Again, they are seated in the balcony. Would those guests please rise and be recognized.

ALPHA KAPPA ALPHA SORORITY INTRODUCED

The SPEAKER. The Chair recognizes Representative Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

I am very grateful to Representative Thaddeus Kirkland, the chair of the Pennsylvania Legislative Black Caucus, for hosting my sorors from the Alpha Kappa Alpha Sorority, who are sitting in the balcony.

I am introducing a resolution today honoring the members of the Alpha Kappa Alpha Sorority, and I thank my colleagues in the Pennsylvania House of Representatives for their cosponsorship of the resolution.

Alpha Kappa Alpha Sorority is America's first Greek-letter organization established by African-American college women, and our roots go back to 1908, when we were established at Howard University in Washington, DC.

We are a group of proud, Black, educated, and accomplished women who make the world and our communities a better place by virtue of our service and our personality, and I am very thankful to the fine members of Alpha Kappa Alpha who have been supportive of me in my political endeavors throughout the years.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House a group from the Ferndale Elementary School accompanied by Mr. William Flook, who are seated in the gallery. They are guests today of Representative Edward Wojnarowski, Sr. Would those guests please rise and be recognized.

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 49;
HB 86;
HB 88;
HB 114;
HB 185;
HB 189;
HB 191;
HB 218;
HB 247;
HB 249;
HB 488;
HB 489;
HB 566;
HB 742;
HB 746;
HB 1052;
HB 1137;
HB 1139;
HB 1144;
HB 1200;
HB 1361;
HB 1365;
HB 1400; and
SB 149.

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 49, PN 51; HB 86, PN 1945; HB 88, PN 82; HB 114, PN 112; HB 185, PN 1643; HB 189, PN 1815; HB 191, PN 1644; HB 218, PN 244; HB 247, PN 1862; HB 249, PN 275; HB 488, PN 527; HB 489, PN 528; HB 566, PN 639; HB 742, PN 833; HB 746, PN 1913; HB 1052, PN 1872; HB 1137, PN 1343; HB 1139, PN 1345; HB 1144, PN 1350; HB 1200, PN 1615; HB 1361, PN 1636; HB 1365, PN 1916; HB 1400, PN 1688; and SB 149, PN 217.

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 Appropriations:

HB 49;
 HB 86;
 HB 88;
 HB 114;
 HB 185;
 HB 189;
 HB 191;
 HB 218;
 HB 247;
 HB 249;
 HB 488;
 HB 489;
 HB 566;
 HB 742;
 HB 746;
 HB 1052;
 HB 1137;
 HB 1139;
 HB 1144;
 HB 1200;
 HB 1361;
 HB 1365;
 HB 1400; and
 SB 149.

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

**WILSON HIGH SCHOOL BOYS
SWIM TEAM PRESENTED**

The SPEAKER. The Chair at this time recognizes Representative Sheila Miller for the purposes of a citation.

Mrs. MILLER. Thank you, Mr. Speaker.

This has certainly been a week that the House of Representatives has had the great opportunity to recognize young athletes from across Pennsylvania, and Representative Sam Rohrer and I are no exception, because we are very pleased to welcome to the hall of the House today the team members and coach of the Wilson High School Bulldogs Swim Team, winners of the 2005 PIAA State AAA Team Championship.

These young men have been consistent leaders in the water, winning the PIAA District 3 Team Championship and the Central Penn Interscholastic Swim League Championship 10 years in a row. In fact, this season marks the 10th consecutive undefeated season in the league. They have also captured the last 10 straight PIAA District 3 AAA titles.

Standing behind me this morning are three senior team captains, and I would like to introduce them at this time – Josh Hollinger, Peter McGregor, Adam Walker – and of course, our head coach, Roy Snyder.

These exceptional swimmers and their teammates captured numerous State medals which they brought home to

West Lawn, Berks County. Over the past 5 years, the Bulldogs have won three State titles – in 2001, 2002, and now 2005.

Other members of the team that I would like to recognize in the back of the hall of the House – and if they could stand when I read their names – are Peter Brett; Michael Deighan; Jeffrey Owens; Ross Redcay; Evan Rosa-Roseberry; John Slavinski; Kerry Delgato; Chris Gallagher; Kyle Walley; Ryan McLin; Charles Panagacos; Ryan Eways; Kyle Kuser; David Levkoff; Derek Straub; Sean Wagner; Steven Yeager; Joseph Deighan; Michael Fleischood; and Matthew Holt could not be here today, but he is a member of the team; Ryan Kuser; Marcus Reinheimer; Isaac Wenrich; Nicholas Woomer; and Bryan Focht, the team manager.

Also joining us are the Wilson High School principal, Mr. Wayne Foley, and Mr. Steven Polonus, the athletic director for Wilson High School.

As I ask the State champion team to stand, if there is anyone else that I did not call, please stand, and coach Snyder's wife, if you could please stand. I would ask that the House give them our warm traditional welcome and congratulations.

These gold medalists certainly deserve our recognition, and Representative Sam Rohrer is going to be presenting the team with a House citation.

Thank you very much, Mr. Speaker.

The SPEAKER. The House will have to be at ease for the next 10 to 15 minutes. The Democrats have not finished their caucus as of yet. So we are waiting for the Democrats to finish the caucus.

The House will be at ease.

BILL REREPORTED FROM COMMITTEE

HB 459, PN 1456

By Rep. FEESE

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for property subject to or exempt from claim and for content of claims entered; and providing for public record lists and for report of nonpayment of taxes.

APPROPRIATIONS.**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND Tabled**

HB 63, PN 125

By Rep. STAIRS

An Act providing for Commonwealth support for an Urban Teacher Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to teaching in urban public schools in this Commonwealth.

EDUCATION.

HB 546, PN 594

By Rep. STAIRS

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

EDUCATION.

HB 957, PN 1958 (Amended) By Rep. GANNON

An Act relating to hours of employment of certain nurses; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

PROFESSIONAL LICENSURE.

HB 983, PN 1960 (Amended) By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in film production tax credit, for the definitions of "department," "film," "pass-through entity," "Pennsylvania production expense" and "production expense"; providing, in film production tax credit, for the definition of "start date"; further providing, in film production tax credit, for credit for qualified film production expenses; providing for film production tax credits; further providing, in film production tax credit, for carryover and refund of credits, for limitation on credits, for pass-through entity, for report to General Assembly and for termination; imposing penalties; and providing for findings and declarations.

FINANCE.

HB 1049, PN 1959 (Amended) By Rep. GANNON

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for licensing requirements.

PROFESSIONAL LICENSURE.

HB 1062, PN 1961 (Amended) By Rep. LEH

An Act providing for a tax credit program to support community-based mental retardation services in this Commonwealth.

FINANCE.

HB 1135, PN 1341 By Rep. LEH

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

FINANCE.

HB 1223, PN 1436 By Rep. STAIRS

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 Project Link-to-Learn.

EDUCATION.

HB 1478, PN 1796 By Rep. HASAY

An Act amending Titles 7 (Banks and Banking) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating payday loans in terms of practice, licensure and penalties; further providing for deceptive or fraudulent business practices; and providing for unlicensed payday lending.

COMMERCE.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 161, PN 1179**

By Rep. LEH

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility of providing State premium assistance to surviving spouses of State Employees' Retirement System members who participated in the Retired Employee Health Program through the Pennsylvania Employees Benefit Trust Fund.

FINANCE.

RULES COMMITTEE MEETING

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

**RESOLUTION REPORTED
FROM COMMITTEE****HR 309, PN 1951**

By Rep. S. SMITH

A Concurrent Resolution memorializing the Congress of the United States to maintain funding for higher education research programs in animal health, agriculture and forestry; and urging the Pennsylvania delegation to oppose funding reduction in these areas.

RULES.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Delaware, Mr. RAYMOND. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Northampton, Mr. SAMUELSON, and the gentleman from Philadelphia, Mr. MCGEEHAN. Without objection, those two leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Fairchild	Mackereth	Sainato
Allen	Feese	Maher	Santoni
Argall	Fichter	Maitland	Sather
Armstrong	Fleagle	Major	Saylor
Baker	Flick	Manderino	Scavello
Baldwin	Forcier	Mann	Schroder
Barrar	Frankel	Markosek	Semmel
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Shapiro
Belardi	Gannon	McGill	Siptroth
Belfanti	Geist	McIlhattan	Smith, B.
Benninghoff	George	McIlhinney	Smith, S. H.
Biancucci	Gerber	McNaughton	Solobay

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Godshall	Nailor	Raymond	Samuelson
McGeehan			

LEAVES ADDED—2

LaGrotta	Rubley
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LEAVES CANCELED—1

Samuelson

GUEST INTRODUCED

The SPEAKER. We have a special guest here today of Representative Stan Saylor. His name is Sam Shaw. He is a senior at Red Lion High School. He is also an Eagle Scout award recipient. Would Sam please rise and be recognized by the House membership.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the Chair returns to leaves of absence. The majority whip requests a leave for the gentlelady from Chester, Mrs. Carole RUBLEY, for the day. Without objection, that leave will be granted.

CALENDAR

RESOLUTIONS

Mr. O'NEILL called up **HR 34, PN 116**, entitled:

A Resolution urging the President and Congress of the United States to fully fund special education in accordance with the Individuals with Disabilities Education Act.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Godshall Nailor Rubley Samuelson
McGeehan Raymond

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

* * *

Mr. METCALFE called up **HR 92, PN 624**, entitled:

A Resolution urging the Pennsylvania Congressional delegation to support a repeal of the Federal excise tax on telecommunications.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

Evans, J. Lescovitz Ruffing Perzel,
Fabrizio Levdansky Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Godshall Nailor Rubley Samuelson
McGeehan Raymond

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

* * *

Mr. GRELL called up **HR 131, PN 1861**, entitled:

A Resolution directing the Joint State Government Commission to review current guardianship statutes and programs and make findings and recommendations on the effectiveness of these statutes and programs in meeting the needs of vulnerable incapacitated persons.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

DeLuca	Keller, M.	Rapp	Williams
Denlinger	Keller, W.	Readshaw	Wilt
Dermody	Kenney	Reed	Wojnaroski
DeWeese	Killion	Reichley	Wright
DiGirolamo	Kirkland	Rieger	Yewcic
Diven	Kotik	Roberts	Youngblood
Donatucci	LaGrotta	Roebuck	Yudichak
Eachus	Leach	Rohrer	Zug
Ellis	Lederer	Rooney	
Evans, D.	Leh	Ross	
Evans, J.	Lescovitz	Ruffing	Perzel,
Fabrizio	Levdansky		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	Nailor	Rubley	Samuelson
McGeehan	Raymond		

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

* * *

Mr. PAYNE called up **HR 237, PN 1816**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of NASCAR racing at the Pocono Raceway.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

Cornell	Hennessey	Petri	Turzai
Corrigan	Herman	Petrone	Veon
Costa	Hershey	Phillips	Vitali
Crahalla	Hess	Pickett	Walko
Creighton	Hickernell	Pistella	Wansacz
Cruz	Hutchinson	Preston	Washington
Curry	James	Pyle	Waters
Daley	Josephs	Quigley	Watson
Dally	Kauffman	Ramaley	Wheatley
DeLuca	Keller, M.	Rapp	Williams
Denlinger	Keller, W.	Readshaw	Wilt
Dermody	Kenney	Reed	Wojnaroski
DeWeese	Killion	Reichley	Wright
DiGirolamo	Kirkland	Rieger	Yewcic
Diven	Kotik	Roberts	Youngblood
Donatucci	LaGrotta	Roebuck	Yudichak
Eachus	Leach	Rohrer	Zug
Ellis	Lederer	Rooney	
Evans, D.	Leh	Ross	
Evans, J.	Lescovitz	Ruffing	Perzel,
Fabrizio	Levdansky		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	Nailor	Rubley	Samuelson
McGeehan	Raymond		

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

* * *

Mrs. CRAHALLA called up **HR 243, PN 1708**, entitled:

A Concurrent Resolution recommending to Congress that the cap on the Federal Crime Victims Fund be eliminated and that the entire amount of funds deposited into the fund be distributed annually.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Mackereth	Sainato
Allen	Feese	Maher	Santoni
Argall	Fichter	Maitland	Sather
Armstrong	Fleagle	Major	Saylor
Baker	Flick	Manderino	Scavello
Baldwin	Forcier	Mann	Schroder
Barrar	Frankel	Markosek	Semmel
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Shapiro
Belardi	Gannon	McGill	Siproth
Belfanti	Geist	McIlhattan	Smith, B.
Benninghoff	George	McIlhinney	Smith, S. H.
Biancucci	Gerber	McNaughton	Solobay
Birmelin	Gergely	Melio	Sonney
Bishop	Gillespie	Metcalfe	Staback
Blackwell	Gingrich	Micozzie	Stairs
Blaum	Good	Millard	Steil
Boyd	Goodman	Miller, R.	Stern
Bunt	Grell	Miller, S.	Stetler
Butkovitz	Grucela	Mundy	Stevenson, R.

Buxton	Gruitza	Mustio	Stevenson, T.
Caltagirone	Habay	Myers	Sturla
Cappelli	Haluska	Nickol	Surra
Casorio	Hanna	O'Brien	Tangretti
Causer	Harhai	Oliver	Taylor, E. Z.
Cawley	Harhart	O'Neill	Taylor, J.
Civera	Harper	Pallone	Thomas
Clymer	Harris	Payne	Tigue
Cohen	Hasay	Petrarca	True
Cornell	Hennessey	Petri	Turzai
Corrigan	Herman	Petrone	Veon
Costa	Hershey	Phillips	Vitali
Crahalla	Hess	Pickett	Walko
Creighton	Hickernell	Pistella	Wansacz
Cruz	Hutchinson	Preston	Washington
Curry	James	Pyle	Waters
Daley	Josephs	Quigley	Watson
Dally	Kauffman	Ramaley	Wheatley
DeLuca	Keller, M.	Rapp	Williams
Denlinger	Keller, W.	Readshaw	Wilt
Dermody	Kenney	Reed	Wojnaroski
DeWeese	Killion	Reichley	Wright
DiGirolamo	Kirkland	Rieger	Yewcic
Diven	Kotik	Roberts	Youngblood
Donatucci	LaGrotta	Roebuck	Yudichak
Eachus	Leach	Rohrer	Zug
Ellis	Lederer	Rooney	
Evans, D.	Leh	Ross	
Evans, J.	Lescovitz	Ruffing	Perzel,
Fabrizio	Levdansky		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	Nailor	Rubley	Samuelson
McGeehan	Raymond		

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 894, PN 1912**, entitled:

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 development.

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

Mr. **SAYLOR** offered the following amendment No. **A01158**:

Amend Sec. 1 (Sec. 1205.2), page 2, lines 18 through 24, by striking out all of said lines and inserting

(2) For a professional educator annuitant who terminates the annuity or whose annuity ceases under the provisions of 24 Pa.C.S. § 8346(a) (relating to termination of annuities) or returns to school service under the provisions of 24 Pa.C.S. § 8346(b), the requirements of subsection (a) shall not apply for the first 180 days for which the professional educator annuitant returns to school service.

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	Nailor	Rubley	Samuelson
McGeehan	Raymond		

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. **ADOLPH** offered the following amendment No. **A01141**:

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

Section 1. Section 1205.2(f) and the definition of “approved provider” in subsection (o) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added November 23, 1999 (P.L.529, No.48), are amended and the section is amended by adding subsections to read:

Amend Sec. 1 (Sec. 1205.2), page 2, by inserting between lines 1 and 2

(d.1) (1) Notwithstanding any other provision of law, an institution of higher education may provide continuing professional education credits or hours to professional educators who are members of the faculty of that institution of higher education.

(2) An institution of higher education that has not submitted a professional education plan by the effective date of this paragraph may submit within two years of the effective date of this paragraph a three-year professional education plan to the Secretary of Education for approval.

Amend Bill, page 3, line 18, by striking out all of said line and inserting

(o) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Approved provider” is an institution of higher education, school entity, individual, corporation, partnership, limited liability company or association approved by the department to provide continuing professional education credits or hours under this section. Provided, a school entity or an institution of higher education may approve a provider of continuing professional education credits or hours in accordance with department guidelines.

Section 2. All acts and parts of acts are repealed insofar as they are inconsistent with the following:

(1) The addition of section 1205.2 (d.1) of the act.

(2) The amendment of the definition of “approved provider” in section 1205.2(o) of the act.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

REMARKS SUBMITTED FOR THE RECORD

Mr. **ADOLPH** submitted the following remarks for the Legislative Journal:

Mr. Speaker, as many of the members know, under Act 48 of 1999, all professional educators – that is, those who hold State certification as teachers, administrators, et cetera – must complete either six college credits or the equivalent of 180 hours of continuing education in their area of assignment or certification. Professional educators are not just those who teach in the public school system. Many teachers in the nonpublic or private sector are certified; retired teachers are certified; some stay-at-home parents are certified. Many people who live and teach out of State also hold PA certification, and even some faculty members in our colleges and universities are certified. Any of those categories must get the needed continuing professional education required under Act 48 if they plan to keep their certification active.

Remember: You cannot teach in the public schools without active certification.

In Act 48 we provided numerous methods by which a professional educator could acquire compliance. Among them we permit colleges and universities to provide credit for professional educators in the public schools. But we did not approve higher education institutions as approved providers for their own faculty members who hold State certification. This amendment, Mr. Speaker, will specifically add colleges and universities to the list of approved providers for providing continuing education for certified faculty members. Also, the amendment will allow institutions up to 2 years to prepare a continuing professional development plan and submit it to the department for approval. It is my hope that we can add yet another option to the list of methods by which the professional educators can receive continuing education for compliance with Act 48.

I ask for the members’ support of this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

Evans, J. Fabrizio	Lescovitz Levdansky	Ruffing	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—6

Godshall McGeehan	Nailor Raymond	Rubley	Samuelson
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I have amendment A01142 to this bill, which would give an extension to April 30, 2006, for a certain class of educators to achieve their Act 48 certification; namely, only those who were not employed by a school district after June 30, 2000.

Mr. Speaker, this would correct a step that the Secretary of Education has taken which, in my mind and analysis, is clearly outside the law. The Secretary has issued a blanket extension to all employees of 1 year in order to achieve their Act 48 certifications.

Mr. Speaker, Act 48 only allows the Secretary to grant extensions on an individual basis and for extenuating circumstances, so in my mind, the Secretary has clearly acted outside of his authority in doing so.

Furthermore, it is not prudent to provide a blanket extension, because those who have been actively in the field of education over the past 5 years have the protection of having an administration cover their certification requirements and calculate them as well as their union.

Nonetheless, Mr. Speaker, I am going to withdraw this amendment at the request of the prime sponsor because I do support the bill, HB 894, and do not wish to cause any issues in passing that and getting that to the Governor. However, I do believe we will have the chance to address this issue on another day.

Thank you.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair at this time recognizes the gentlelady, Mrs. Miller. Mrs. MILLER. Thank you, Mr. Speaker.
Would it be possible for me to interrogate the prime sponsor? Representative Saylor is the prime sponsor.

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

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I have been approached by numerous substitute teachers who have said to me that they are having great difficulty in meeting the recertification requirements, and I am wondering what the impact of passage of HB 894 will be on their ability to get the necessary follow-up certification.

Mr. SAYLOR. Mr. Speaker, this bill will allow substitute teachers as well as full-time teachers to take free courses online with the Department of Education.

Mrs. MILLER. So therefore, Mr. Speaker, from their own homes and at their own convenience, they will be able to get the necessary requirements in order to maintain their certificates so they can continue substitute teaching.

Mr. SAYLOR. That is correct.

Mrs. MILLER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman from Northampton, Mr. Samuelson. His name will be added to the master roll.

CONSIDERATION OF HB 894 CONTINUED

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 894 and commend my colleague from York County for initiating this legislation.

As the previous speaker said, I know my former school district and many school districts in Northampton County are having problems with substitute teachers. There is, in some cases, no better substitute teacher than a retired teacher. Many of these retired teachers, when they come back to substitute, do not necessarily do it because of any monetary gains, and in fact, what is now happening with this 5-year extension of Act 48 and having to take credits, if this does not become law, I am afraid that we are going to have more problems obtaining good, qualified substitute teachers in our school districts.

So I would ask the members for their support. I think this is a good bill, and I commend the Representative again from York for introducing such legislation.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority leader, who requests a leave of absence for the gentleman, Mr. LaGROTTA. Without objection, the leave is granted.

CONSIDERATION OF HB 894 CONTINUED

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—196

Table listing names of members who voted 'YEAS' in a 4-column format: Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, Leach, Lederer, Leh, Lescovitz, Levdansky, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGill, McIlhatten, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, True, Turzai, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Table listing names of members who were 'EXCUSED': Godshall, LaGrotta, McGeehan, Nailor, Raymond, Rubley

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

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

* * *

The House proceeded to third consideration of SB 69, PN 650, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for employer immunity from liability for disclosure of information regarding former or current employees.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Wansacz, for a statement. The gentleman may proceed.

Mr. WANSACZ. Thank you, Mr. Speaker.

I originally had an amendment proposed for SB 69 which I believe would have made it a better bill, but in all fairness, I believe SB 69 is a good bill and should move forward. So without delaying the process, Mr. Speaker, I am going to withdraw my amendment and move this to the Governor's desk so that we can have a better process for our small businesses to move forward and have some protection where they can give their opinion freely on an employee.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. O'Brien, rise?

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

I would just like to inform the members of the House that this bill represents an unusual collaboration between the trial lawyers, PSEA (Pennsylvania State Education Association), the hospitals, and the chamber of commerce. So I think we could all vote "yes."

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Leach, for a statement.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, I have an amendment on this bill which was originally part of a bill I drafted called the Physicians Apology Act, which says that if there is a bad outcome in a medical case, if the physician has a discussion with the family or the person who was the subject of the bad outcome and there is a discussion of the events or even an apology for a mistake made, that conversation could not be used against the physician at trial.

Frequently medical malpractice suits are filed out of frustration because people cannot get answers. In States that have done this, that have created a physician apology immunity, lawsuits, the filings of medical malpractice suits, have dropped 20 to 30 percent.

So I think this would be a good thing to do for Pennsylvania. However, for today I am withdrawing this amendment, Mr. Speaker, so that we can run this bill clean, and I look forward to the opportunity to have a vote on this amendment in the near future.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

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 Chair recognizes the gentleman, Mr. Wheatley.

Mr. WHEATLEY. Mr. Speaker, I want to rise and speak on final passage or interrogate maybe the chairman of the Judiciary Committee.

The SPEAKER pro tempore. Mr. O'Brien has agreed to be interrogated, and you may proceed.

Mr. WHEATLEY. Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. WHEATLEY. Yes, sir.

The SPEAKER pro tempore. May we have a little order. Members, please take your seats.

You may proceed, Mr. Wheatley.

Mr. WHEATLEY. Mr. Speaker, I appreciate the unusual collaboration that has happened around this bill, and I do not want to take up a lot of the members' time. I just have some clarity questions, if I may.

It is my understanding that currently in law, in order for a plaintiff to bring a civil lawsuit under current law, they have to prove a preponderance of evidence, and with this change in this language, it is to move it to clear and convincing evidence, and if the chairman could just explain to me the difference in the level of evidence needed and necessary.

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

This bill, very simply, presumes that the employer is acting in good faith. It does not change the standard, but if you wanted to take this to court, you would have to establish by clear and convincing evidence that the employer disclosed information that the employer knew was false or in the exercise of due diligence should have known was false; the employer knew was materially misleading; was false and rendered with reckless disregard as to the truth or falsity of the information; was information the disclosure of which is prohibited by any contract, civil, common law, or statutory right of the current or former employee, and at that point, if you got that back into court, it would still remain a preponderance-of-the-evidence standard.

Mr. WHEATLEY. So, Mr. Speaker, just so I am clear – and for sure, I am probably going to support this bill and vote in the

affirmative – I just want to be clear, under the scenario as today in current law, if I am an employer and I think I have an employee who has possibly been stealing from me, under current law, if I give a recommendation that says I think this employee has been stealing from me but in actuality the employee has not been stealing from me and they can prove it, then they can bring suit against the employer. But if we change the law as proposed in this bill that if I am an employer and I say I think an employee has been stealing from me and that employee can prove that they have not been stealing from me but I truly believe that they have, then they can bring the suit, but under the current law, it is really not valid if we change the law. Is that correct?

Mr. O'BRIEN. What this does, it provides the presumption of good faith may be rebutted by clear and convincing evidence establishing the employer disclosed that type of information.

Mr. WHEATLEY. All right. Thank you. Thank you, Mr. Speaker.

If I can make comments on the bill, Mr. Speaker?

The SPEAKER pro tempore. I am sorry, Mr. Wheatley. Would you repeat your question?

Mr. WHEATLEY. If I can speak on the final passage?

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

Mr. WHEATLEY. Mr. Speaker, I—

The SPEAKER pro tempore. Members, please take your seats. It is very difficult to hear the speaker, and he is entitled to be heard.

Mr. WHEATLEY. I am going to presume that the trial lawyers, the ACLU (American Civil Liberties Union), and the business community have really looked at this and worked this bill through, and under their opinions and their information, I am just going to believe that this is going to be a more helpful bill for constituents throughout the Commonwealth.

I do have some concerns about the bill and what it would do as it relates to people being able to, one, know what is being said about them and have an ability to at least offer their own opinion about the situation an employer may have, good or bad, and also, I am not sure if this actually gets to where we are trying to go in the original intent of the bill. But in saying all that, I will probably support this bill, and I hope that it meets what we are trying to do.

So I want to thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, my intention also is to vote for this bill based on the large number of interest groups with somewhat conflicting interest who are supporting it, but I share Representative Wheatley's concerns about the establishment of a clear-and-convincing-evidence standard to prove good faith. The clear-and-convincing-evidence standard is much harder to meet than a preponderance-of-evidence standard, and it seems to me we are giving some employers a limited license to lie about their employees.

Now, I guess the countercase would be, it is very difficult right now for employees to get letters of recommendation, and we are going to have more letters of recommendation and employees might be helped in this. But I have concerns about the wording of this bill, and I would certainly hope that the interest groups involved and the Senate and the

Governor’s Office would take a very good look at this wording before it actually becomes law.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I just have a few questions on the bill, given the interesting support.

The SPEAKER pro tempore. Does the gentleman seek to interrogate the chairman of the Judiciary Committee?

Mr. TURZAI. Yes.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. TURZAI. My understanding is that— I have had some correspondence from folks back in my district to ask about the bill. The first question is, does this bill in fact weaken the presumption of good faith, the good-faith allowance, that is already present in the common law?

Mr. O’BRIEN. No, it does not.

Mr. TURZAI. Does it strengthen it?

Mr. O’BRIEN. Yes, it does.

Mr. TURZAI. They also wanted to know, there is a concern whether it is a limited definition of what constitutes a quote, unquote, “reference”; that it only applies to a very small category of employer recommendations and/or bad information with respect to a past employee. Is that a narrow definition?

Mr. O’BRIEN. This specifically applies to the ability of the employee to do their job, not anything outside of that.

Mr. TURZAI. And finally, does the bill remove current common law protections for employers?

Mr. O’BRIEN. No. There is a specific section that says, “THIS SECTION SHALL NOT BE CONSTRUED TO AFFECT IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES, ESTABLISHED BY LAW OR AVAILABLE AT COMMON LAW....”

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

Is there anyone else that wishes to speak on this Senate bill?

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—196

Adolph	Fairchild	Maher	Samuelson
Allen	Feese	Maitland	Santoni
Argall	Fichter	Major	Sather
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Mann	Scavello
Baldwin	Forcier	Markosek	Schroder
Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Shapiro
Belardi	Gannon	McIlhattan	Siptroth
Belfanti	Geist	McIlhinney	Smith, B.
Benninghoff	George	McNaughton	Smith, S. H.
Bianucci	Gerber	Melio	Solobay
Birmelin	Gergely	Metcalfe	Sonney
Bishop	Gillespie	Micozzie	Staback
Blackwell	Gingrich	Millard	Stairs

Blaum	Good	Miller, R.	Steil
Boyd	Goodman	Miller, S.	Stern
Bunt	Grell	Mundy	Stetler
Butkovitz	Grucela	Mustio	Stevenson, R.
Buxton	Gruitza	Myers	Stevenson, T.
Caltagirone	Habay	Nickol	Sturla
Cappelli	Haluska	O’Brien	Surra
Casorio	Hanna	Oliver	Tangretti
Causar	Harhai	O’Neill	Taylor, E. Z.
Cawley	Harhart	Pallone	Taylor, J.
Civera	Harper	Payne	Thomas
Clymer	Harris	Petrarca	Tigue
Cohen	Hasay	Petri	True
Cornell	Hennessey	Petrone	Turzai
Corrigan	Herman	Phillips	Veon
Costa	Hershey	Pickett	Vitali
Crahalla	Hess	Pistella	Walko
Creighton	Hickernell	Preston	Wansacz
Cruz	Hutchinson	Pyle	Washington
Curry	James	Quigley	Waters
Daley	Josephs	Ramaley	Watson
Dally	Kauffman	Rapp	Wheatley
DeLuca	Keller, M.	Readshaw	Williams
Denlinger	Keller, W.	Reed	Wilt
Dermody	Kenney	Reichley	Wojnaroski
DeWeese	Killion	Rieger	Wright
DiGirolamo	Kirkland	Roberts	Yewcic
Diven	Kotik	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug
Ellis	Leh	Ross	
Evans, D.	Lescovitz	Ruffing	
Evans, J.	Levdansky	Sainato	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Godshall	McGeehan	Raymond	Rubley
LaGrotta	Nailor		

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

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

RESOLUTION

Mr. S. SMITH called up SR 44, PN 626, entitled:

A Concurrent Resolution urging the Federal and State Government to take every action necessary to protect existing military bases in the Commonwealth of Pennsylvania and to aggressively seek to expand the Commonwealth of Pennsylvania’s military presence in the Federal Base Realignment and Closure (BRAC) process.

On the question,
Will the House concur in the resolution of the Senate?

RULES SUSPENDED

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

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to request a suspension of the rules to offer amendment A01174.

The SPEAKER pro tempore. The gentleman, Mr. Mustio, has moved for a suspension of the rules for consideration of amendment A01174.

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

The following roll call was recorded:

YEAS—196

Table listing names of members who voted 'YEAS' (196 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebk-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, Leach, Lederer, Leh, Lescovitz, Levdansky, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigie, True, Turzai, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—6

Table listing names of members who were 'EXCUSED' (6 total): Godshall, LaGrotta, McGeehan, Nailor, Raymond, Rubley.

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

On the question recurring, Will the House concur in the resolution of the Senate?

Mr. MUSTIO offered the following amendment No. A01174:

Amend Ninth Whereas Clause, page 3, by inserting between lines 26 and 27

Table listing details of amendments: 99th Regional Readiness Command, Pittsburgh (Total employees: 7,776; Payroll: \$77,300,000; Organizational contracts: \$23,398,000); 171st Air Refueling Wing, Pennsylvania Air National Guard, Pittsburgh (Total employees: 1,514; Payroll: \$34,080,080; Installation contracts: \$16,307,700); 911th U.S. Air Force Reserve Airlift Wing, Pittsburgh (Total employees: 1,437; Payroll: \$41,461,616; Installation contracts: \$17,305,955); U.S. Navy and U.S. Marine Corps Reserve Units, North Versailles (Total employees: 599; Payroll: \$4,296,500); 193rd Special Operations Wing, Harrisburg (Total employees: 2,077; Payroll: \$39,500,000; Installation contracts: \$62,300,000).

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

The following roll call was recorded:

YEAS—196

Table listing names of members who voted 'YEAS' (196 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebk-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Good, Goodman, Grell, Grucela, Gruitza, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T.

Caltagirone	Habay	Nickol	Sturla
Cappelli	Haluska	O'Brien	Surra
Casorio	Hanna	Oliver	Tangretti
Causer	Harhai	O'Neill	Taylor, E. Z.
Cawley	Harhart	Pallone	Taylor, J.
Civera	Harper	Payne	Thomas
Clymer	Harris	Petrarca	Tigue
Cohen	Hasay	Petri	True
Cornell	Hennessey	Petrone	Turzai
Corrigan	Herman	Phillips	Veon
Costa	Hershey	Pickett	Vitali
Crahalla	Hess	Pistella	Walko
Creighton	Hickernell	Preston	Wansacz
Cruz	Hutchinson	Pyle	Washington
Curry	James	Quigley	Waters
Daley	Josephs	Ramaley	Watson
Dally	Kauffman	Rapp	Wheatley
DeLuca	Keller, M.	Readshaw	Williams
Denlinger	Keller, W.	Reed	Wilt
Dermody	Kenney	Reichley	Wojnaroski
DeWeese	Killion	Rieger	Wright
DiGirolamo	Kirkland	Roberts	Yewcic
Diven	Kotik	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug
Ellis	Leh	Ross	
Evans, D.	Lescovitz	Ruffing	
Evans, J.	Levdansky	Sainato	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	McGeehan	Raymond	Rubley
LaGrotta	Nailor		

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 concur in the resolution of the Senate as amended?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Maher	Samuelson
Allen	Feese	Maitland	Santoni
Argall	Fichter	Major	Sather
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Mann	Scavello
Baldwin	Forcier	Markosek	Schroder
Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Shapiro
Belardi	Gannon	McIlhattan	Siptroth
Belfanti	Geist	McIlhinney	Smith, B.
Benninghoff	George	McNaughton	Smith, S. H.
Bianucci	Gerber	Melio	Solobay
Birmelin	Gergely	Metcalfe	Sonney
Bishop	Gillespie	Micozzie	Staback
Blackwell	Gingrich	Millard	Stairs
Blaum	Good	Miller, R.	Steil
Boyd	Goodman	Miller, S.	Stern
Bunt	Grell	Mundy	Stetler
Butkovitz	Grucela	Mustio	Stevenson, R.

Buxton	Gruitza	Myers	Stevenson, T.
Caltagirone	Habay	Nickol	Sturla
Cappelli	Haluska	O'Brien	Surra
Casorio	Hanna	Oliver	Tangretti
Causer	Harhai	O'Neill	Taylor, E. Z.
Cawley	Harhart	Pallone	Taylor, J.
Civera	Harper	Payne	Thomas
Clymer	Harris	Petrarca	Tigue
Cohen	Hasay	Petri	True
Cornell	Hennessey	Petrone	Turzai
Corrigan	Herman	Phillips	Veon
Costa	Hershey	Pickett	Vitali
Crahalla	Hess	Pistella	Walko
Creighton	Hickernell	Preston	Wansacz
Cruz	Hutchinson	Pyle	Washington
Curry	James	Quigley	Waters
Daley	Josephs	Ramaley	Watson
Dally	Kauffman	Rapp	Wheatley
DeLuca	Keller, M.	Readshaw	Williams
Denlinger	Keller, W.	Reed	Wilt
Dermody	Kenney	Reichley	Wojnaroski
DeWeese	Killion	Rieger	Wright
DiGirolamo	Kirkland	Roberts	Yewcic
Diven	Kotik	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug
Ellis	Leh	Ross	
Evans, D.	Lescovitz	Ruffing	
Evans, J.	Levdansky	Sainato	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	McGeehan	Raymond	Rubley
LaGrotta	Nailor		

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR A

RULES SUSPENDED

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

Mr. BUNT. Mr. Speaker, I move for the immediate suspension of the rules for consideration of HR 309.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Maher	Samuelson
Allen	Feese	Maitland	Santoni
Argall	Fichter	Major	Sather
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Mann	Scavello
Baldwin	Forcier	Markosek	Schroder
Barrar	Frankel	Marsico	Semmel

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	McGeehan	Raymond	Rubley
LaGrotta	Nailor		

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.

RESOLUTION

Mr. BUNT called up **HR 309, PN 1951**, entitled:

A Concurrent Resolution memorializing the Congress of the United States to maintain funding for higher education research programs in animal health, agriculture and forestry; and urging the Pennsylvania delegation to oppose funding reduction in these areas.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Godshall	McGeehan	Raymond	Rubley
LaGrotta	Nailor		

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. PAYNE called up **HR 312, PN 1962**, entitled:

A Resolution recognizing the Hershey Trust Company's 100th anniversary.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Godshall	McGeehan	Raymond	Rubley
LaGrotta	Nailor		

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

The SPEAKER pro tempore. There will be no further votes for the day.

SENATE BILLS FOR CONCURRENCE

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

SB 157, PN 809

Referred to Committee on FINANCE, May 11, 2005.

SB 464, PN 765

Referred to Committee on LABOR RELATIONS, May 11, 2005.

**LABOR RELATIONS
COMMITTEE MEETING**

The SPEAKER pro tempore. Will the gentleman, Mr. Allen, please come to the podium?

Mr. Allen, do you have an announcement? The gentleman may proceed.

Mr. ALLEN. Thank you, Mr. Speaker.

The Labor Relations Committee will meet immediately in room 205 of the Ryan Office Building. Thank you.

The SPEAKER pro tempore. Labor Relations will meet immediately in room 205 of the Ryan Office Building.

Will the gentleman please come to the rostrum.

ANNOUNCEMENT BY MR. CLYMER

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just a reminder to the members of the State Government Committee, we have a public hearing at 2 o'clock this afternoon in room 60 on SB 1. It is lobbyist disclosure. I would encourage all members to be present.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Would the gentleman, Mr. Clymer, please come to the rostrum.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be informal and possibly formal discussions in the House Democratic caucus room immediately upon the call of the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

HB 670, PN 763 By Rep. CLYMER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for food purveyor immunity.

STATE GOVERNMENT.

HB 759, PN 921 By Rep. CLYMER

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

STATE GOVERNMENT.

HB 1317, PN 1565 By Rep. CLYMER

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all government agencies purchase only flags manufactured in the United States; and imposing a penalty.

STATE GOVERNMENT.

HB 1318, PN 1967 (Amended) By Rep. CLYMER

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

STATE GOVERNMENT.

HB 1338, PN 1596 By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Borough of Columbia, Lancaster County, certain lands situate in Columbia Borough, Lancaster County.

STATE GOVERNMENT.

HB 1521, PN 1865 By Rep. CLYMER

An Act relating to compensation for executive branch officials.

STATE GOVERNMENT.

RECESS

The SPEAKER pro tempore. The desk will stay open for the receipt of additional reports, and the House will stand in recess until 1:30.

Just to clarify, there will be no further votes, but the desk will remain open, and we will be moving some bills at 1:30. Thank you.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(ROBERT J. FLICK) PRESIDING**

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 163, PN 1968 (Amended) By Rep. ALLEN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

LABOR RELATIONS.

HB 1014, PN 1965 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title, for transfer of ownership of vehicle, for application for certificate of title by agent and for an electronic titling program.

TRANSPORTATION.

HB 1050, PN 1964 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for conviction and point schedules; and providing for radar enforcement systems pilot program.

TRANSPORTATION.

HB 1071, PN 1969 (Amended) By Rep. ALLEN

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for preference for training programs.

LABOR RELATIONS.

HB 1083, PN 1970 (Amended) By Rep. ALLEN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for representation in proceedings.

LABOR RELATIONS.

HB 1118, PN 1324 By Rep. GEIST

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

TRANSPORTATION.

HB 1183, PN 1734

By Rep. GEIST

An Act redesignating a bridge on that portion of SR (truck route) 271 over the Conemaugh River and the Northfolk Southern mainline, Franklin Borough, Cambria County, as the Sergeant Michael Strank Memorial Bridge.

TRANSPORTATION.

HB 1285, PN 1966 (Amended)

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; and making a related repeal.

TRANSPORTATION.

HB 1313, PN 1971 (Amended)

By Rep. ALLEN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for State Unemployment Compensation Advisory Council.

LABOR RELATIONS.

HB 1507, PN 1972 (Amended)

By Rep. ALLEN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further proving for definitions; and providing for applicability and for liability on certain uncertificated buildings.

LABOR RELATIONS.

HB 1548, PN 1905

By Rep. ALLEN

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for penalties.

LABOR RELATIONS.

SB 464, PN 765

By Rep. ALLEN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No.1), known as the Unemployment Compensation Law, further providing for the definition of "employer" and for general powers and duties of department, providing for representation in proceedings; further providing for contributions by employers and employees, for successors-in-interest, for appeals, for interest on past due contributions and for limitations upon enforcement of payment of contributions, interest and penalties; providing for registration and other reports; further providing for the Special Administration Fund; providing for the Job Training Fund; further providing for the duties of the State Treasurer as custodian and for offenses relating to false statements and representations to prevent or reduce compensation and other offenses; and providing for monetary penalties.

LABOR RELATIONS.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON JUDICIARY****HB 24, PN 28**

By Rep. ALLEN

An Act requiring certain employers to provide employment leave for victims of domestic violence; prohibiting certain acts; and prescribing penalties.

LABOR RELATIONS.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 15, PN 15**

By Rep. GEIST

A Resolution urging mass transit agencies throughout this Commonwealth to consider the possibilities of leasing the naming rights of transit stations and other transit-owned property to private corporations and organizations in order to help defray the costs of the financial challenges that mass transit agencies face.

TRANSPORTATION.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. There being no other business before the House, the House is in possession of a recess motion by the gentlelady, Ms. Rapp, from Warren County.

Ms. RAPP. Mr. Speaker, I move that this House do now recess until Monday, June 6, 2005, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:40 p.m., e.d.t., the House recessed.