

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 1, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 63

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

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

Good morning.

Let us pray:

Lord, I pray that the people elected to office in our great State will be godly and righteous men and women. Raise up men and women who are believers in You, and cause them to find favor with the people so they will be elected into office.

Give the voters discernment to distinguish the best person for the job. I pray that every Christian will vote when the opportunity arises. Remind us all what a privilege it is to live in a State where our vote counts.

Lord, I pray for each of our leaders in the House of Representatives to have the wisdom they need to govern and make the laws that are good. May they seek You for wisdom, knowledge, and understanding.

I pray that the members of the House will work together in unity to do what is best for our Commonwealth. Let them be of one mind, without competition. The issues that are most pressing on our hearts and our nation right now are righteousness and to be pleasing to You in all that we do. I pray that these problems would be resolved in the best possible way.

Show our Representatives what the way is, and lead them in it. Do not let them fail to do the things they should. Make them all to be men and women of integrity and honesty. Give each one wisdom, and help them to lead in truth, honesty, and fear of God, in whose name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, September 30, 2002, will be postponed until printed. The Chair hears no objection.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 227, PN 3199**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that the following bills be taken off the table:

HB 2350;
HB 2451; and
SB 1290.

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 2350, PN 3262; HB 2451, PN 3488; and SB 1290, PN 1699.

BILLS RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 2350;
HB 2451; and
SB 1290.

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

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that HB 8 be taken off the table.

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

BILL TABLED

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

Mr. PERZEL. Madam Speaker, I move that HB 8 be placed on the table.

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2872 By Representatives STETLER, M. COHEN, FRANKEL, JOSEPHS, LEDERER, MELIO, PISTELLA, ROONEY, RUBLEY, SAYLOR, WASHINGTON and YOUNGBLOOD

An Act providing for the protection of purchasers of funeral services and goods by requiring the examination, licensure and registration of persons who offer funeral goods and services to the public; establishing and empowering the State Board of Funeral Services in the Department of State to regulate funeral directors, certain crematory operators, independent providers, preneed funeral sales contractors, for-profit cremation societies and for-profit memorial societies selling funeral goods and services; providing for penalties; and making a repeal.

Referred to Committee on PROFESSIONAL LICENSURE, October 1, 2002.

No. 2873 By Representatives PERZEL, KREBS, CLARK, MARSICO, SATHER, CAPPELLI, NICKOL, DALEY, FEESE, CREIGHTON, PHILLIPS, E. Z. TAYLOR, THOMAS, YOUNGBLOOD, SHANER, HARHAI, HORSEY, STEELMAN, GODSHALL, HARHART, VEON, SEMMEL, HANNA and HENNESSEY

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, codifying and revising provisions relating to eminent domain; and making repeals.

Referred to Committee on JUDICIARY, October 1, 2002.

No. 2874 By Representatives PHILLIPS and FAIRCHILD

An Act designating a bridge on that portion of State Route 1014 over the Watsonstown River, Watsonstown Borough, Northumberland County as the Nurse Helen Fairchild Memorial Bridge.

Referred to Committee on TRANSPORTATION, October 1, 2002.

No. 2875 By Representatives HERMAN, T. ARMSTRONG, M. BAKER, BEBKO-JONES, BROWNE, CAPPELLI, COY, CREIGHTON, DALEY, DeLUCA, DeWEESE, FAIRCHILD, FLICK, GEIST, GEORGE, GRUCELA, HARHAI, HARHART, HESS, HORSEY, JAMES, KELLER, LAUGHLIN, LEDERER, LESCOVITZ, LUCYK, MANN, PICKETT, PISTELLA, READSHAW, ROHRER, SAYLOR, SCHULER, B. SMITH, SOLOBAY, STABACK, R. STEVENSON, E. Z. TAYLOR, TIGUE, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, FREEMAN and J. TAYLOR

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for graves which shall be decorated with flags.

Referred to Committee on LOCAL GOVERNMENT, October 1, 2002.

No. 2876 By Representative LYNCH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Warren County Conservation District certain lands situate in the Township of Glade, Warren County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 1, 2002.

No. 2877 By Representatives BELFANTI, DeWEESE, TRAVAGLIO, BARRAR, BEBKO-JONES, BELARDI, BUNT, CALTAGIRONE, CAWLEY, CORRIGAN, DALEY, GODSHALL, HARHAI, JAMES, KENNEY, LESCOVITZ, MARKOSEK, MELIO, READSHAW, SAINATO, SCHULER, SOLOBAY, TIGUE, WALKO, J. WILLIAMS, G. WRIGHT, CAPPELLI, M. COHEN, COY, FRANKEL, GRUCELA, HERSHEY, JOSEPHS, LAUGHLIN, LUCYK, McCALL, PISTELLA, RUBLEY, SATHER, SHANER, STEELMAN, VEON, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

An Act making an appropriation to the State System of Higher Education for the Traffic Institute for Police Services.

Referred to Committee on JUDICIARY, October 1, 2002.

No. 2878 By Representatives TULLI, VEON, NICKOL, MANN, CAPPELLI, CREIGHTON, BROWNE, DeLUCA, HARHAI, HORSEY, LAUGHLIN, MELIO, R. MILLER, MYERS, SCRIMENTI, SHANER, SOLOBAY, STEELMAN, THOMAS and YOUNGBLOOD

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 1, 2002.

No. 2879 By Representatives STURLA, BROWNE, BEBKO-JONES, CALTAGIRONE, CAWLEY, CURRY, HORSEY, JAMES, JOSEPHS, KELLER, LAUGHLIN, LYNCH, MANDERINO, MANN, MUNDY, PETRARCA, PISTELLA, ROEBUCK, ROSS, SAINATO, SAYLOR, STABACK, STETLER, SURRA, TANGRETTI, THOMAS, TIGUE, WALKO, YOUNGBLOOD and MELIO

An Act establishing the Substance Abuse and Chemical Dependency Assessment Program; providing for pretrial substance abuse and chemical dependency assessments for certain criminal offenders, for substance abuse treatment and for mandatory chemical testing of certain probationers and parolees; imposing duties on the Department of Health and participating counties; providing for substance abuse assessment grants and for rules and regulations; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 1, 2002.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2407, PN 4362 (Amended) By Rep. CIVERA

An Act regulating crematories; providing for licenses, for licensure requirements, for inspections and enforcement; and prescribing penalties.

PROFESSIONAL LICENSURE.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, Mr. Smith, who asks that the lady, Mrs. COHEN, from Montgomery County; the gentleman, Mr. ROSS, from Chester County; and the gentleman, Mr. MAHER, from Allegheny County be placed on leave for the day. The Chair hears no objection.

The Chair recognizes the minority whip, who requests that the gentleman, Mr. STABACK, from Lackawanna County be placed on leave for the day. The Chair hears no objection.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT-196

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, G., Armstrong, T., Baker, J., Baker, M., Bard, Barrar, Bastian, Bebko-Jones, Belardi, Egolf, Evans, D., Evans, J., Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Maitland, Major, Manderino, Mann, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, Scavello, Schroder, Schuler, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Stairs, Steelman, Steil

Table with 4 columns of names: Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Brooks, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Cawley, Civera, Clark, Clymer, Cohen, M., Colafella, Coleman, Cornell, Corrigan, Costa, Coy, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Gannon, Geist, George, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Hasay, Hennessey, Herman, Hershey, Hess, Hutchinson, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lucyk, Lynch, Mackereth, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Nailor, Nickol, O'Brien, Oliver, Pallone, Perzel, Petrarca, Petrone, Phillips, Pickett, Pippy, Pistella, Preston, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Stern, Stetler, Stevenson, R., Stevenson, T., Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Tulli, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Williams, J., Wilt, Wojnaroski, Wright, G., Wright, M., Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker

ADDITIONS-0

NOT VOTING-0

EXCUSED-7

Table with 4 columns of names: Cohen, L. I., Horsey, Maher, Myers, Ross, Staback, Trich

LEAVES ADDED-2

Table with 2 columns of names: Cappelli, Kirkland

LEAVES CANCELED-1

Table with 1 column of name: Maher

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Mario Scavello, from the 176th District in Monroe County, Robert Yocum, Leif and Nicholas Johnson, and Wesley Treible. All these young gentlemen attend the Pocono Mountain School District. Would the young men please stand.

Also, please welcome their parents and grandparents: Leif Johnson; Lori Yocum; Jim Frutchey, who is chairman of the board of supervisors in Coolbaugh Township; and

Colonel McQuestion. All are seated in the gallery. Would they please rise.

Please welcome as the guests of Representatives Birmelin, Dally, Lewis, and Scavello the Republican Women of Monroe County. They are also seated in the gallery. Would the ladies please rise.

We are also pleased to welcome to the hall of the House, as a guest page from Representative Sheila Miller’s office, Mark Lukawsky. He resides in Robesonia, where he is a senior at Conrad Weiser High School. He is the son of Lou and Carol – I hope I pronounce this correctly – Lukawsky, who are also guests in the House today, who are seated to the left of the Speaker. Would they please rise.

TRANSPORTATION COMMITTEE MEETING

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

Mr. GEIST. Thank you very much.

I would like to call a meeting of the Transportation Committee at the break, and I would hope that everybody can hear that announcement. We have some people missing on the floor, but there will be a meeting of the Transportation Committee at the break, at the back of the House.

The SPEAKER pro tempore. Would you please repeat the announcement and tell us where it will be held.

Representative Geist is calling a meeting of the Transportation Committee at the rear of the House at the break. The Chair thanks the gentleman.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. CLYMER. Madam Speaker, to make mention of a meeting at the call of recess for lunch or whenever.

Madam Speaker, I would like to remind the members of the State Government Committee that there will be a meeting in the rear of the hall at the declaration of recess. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Clymer, announces a meeting of the State Government Committee at the declaration of recess in the rear of the hall of the House. The Chair thanks the gentleman.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. HERMAN called up **HR 640, PN 4214**, entitled:

A Resolution designating the month of October 2002 as “Planning Great Communities Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O’Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, G.
Dailey	Laughlin	Rohrer	Wright, M.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Rublely	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	
Donatucci	Lynch	Saylor	Ryan,
Eachus	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Cohen, L. I.	Maher	Ross	Trich
Horsey	Myers	Staback	

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

* * *

Ms. BEBKO-JONES called up **HR 670, PN 4333**, entitled:

A Resolution designating the month of October as “Domestic Violence Awareness Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalf	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, G.
Dailey	Laughlin	Rohrer	Wright, M.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Rubley	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	
Donatucci	Lynch	Saylor	Ryan, Speaker
Eachus	Mackereth		

NAYS—0

NOT VOTING—0

EXCUSED—7

Cohen, L. I.	Maher	Ross	Trich
Horsey	Myers	Staback	

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

* * *

Mr. SEMMEL called up **HR 671, PN 4334**, entitled:

A Resolution proclaiming October 6, 2002, as “German-American Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalf	Stevenson, R.
Bishop	Godshall	Tigue	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, G.
Dailey	Laughlin	Rohrer	Wright, M.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Rubley	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	
Donatucci	Lynch	Saylor	Ryan, Speaker
Eachus	Mackereth		

NAYS—0

NOT VOTING—0

EXCUSED—7

Cohen, L. I.	Maher	Ross	Trich
Horsey	Myers	Staback	

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

* * *

Mr. SCRIMENTI called up **HR 672, PN 4335**, entitled:

A Resolution recognizing October 7, 2002, as “Dairy Farmers Appreciation Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, G.
Dailey	Laughlin	Rohrer	Wright, M.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Rublely	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	
Donatucci	Lynch	Saylor	Ryan,
Eachus	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Cohen, L. I.	Maher	Ross	Trich
Horsey	Myers	Staback	

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

* * *

Mr. HABAY called up **HR 673, PN 4336**, entitled:

A Resolution recognizing the week of October 13 through 19, 2002, as “Credit Union Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, G.
Dailey	Laughlin	Rohrer	Wright, M.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Rublely	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	

Donatucci
Eachus

Lynch
Mackereth

Saylor

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Cohen, L. I.
Horsey

Maher
Myers

Ross
Staback

Trich

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

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, for the purpose of an announcement.

Mr. FEESE. Thank you, Madam Speaker.

Madam Speaker, the Republicans will begin an informal caucus at 11:30 a.m. At 12 p.m., I guess it would be, we will be beginning our formal caucus, and I expect that we will be able to return to the floor around 1:30.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Madam Speaker.

The Democrats will caucus at 11:30. There is some important legislation that we need to go over for a possible vote this afternoon, so I would hope that all the members attend the caucus. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSUMER AFFAIRS COMMITTEE MEETING

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

Mr. O'BRIEN. Madam Speaker, I rise to inform the members of the Consumer Affairs Committee that there will be an immediate meeting of that committee in room 148 of the Main Capitol.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, announces a meeting of the Consumer Affairs Committee in room 148, Main Capitol. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. ARGALL. Thank you, Madam Speaker.

The House Appropriations Committee will meet at the call of the recess in room 245.

The SPEAKER pro tempore. The gentleman, Mr. Argall, announces that the Appropriations Committee will meet in room 245 at the call of the recess.

BILL REREPORTED FROM COMMITTEE

HB 2737, PN 4370

By Rep. PERZEL

An Act amending the act of July 6, 1995 (P.L.291, No.44), known as the Lead Certification Act, further defining "lead-based paint"; providing for the certification of persons conducting hazardous painting; and further providing for enforcement and penalties.

RULES.

RESOLUTION REPORTED FROM COMMITTEE

HR 494, PN 3523

By Rep. PERZEL

A Resolution directing the Department of Health to study the problem of in-vehicle drinking and related drug use by teenagers.

RULES.

RECESS

The SPEAKER pro tempore. Are there any other announcements? If not, this House stands in recess until 1:30.

RECESS EXTENDED

The time of recess was extended until 2 p.m.

AFTER RECESS

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

COMMUNICATION FROM PUBLIC UTILITY COMMISSION

The SPEAKER. The Chair acknowledges receipt of the Annual Report on the Dual Party Relay Service and Telecommunication Device Distribution Program submitted by the PUC.

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

COMMITTEE APPOINTMENTS

The SPEAKER. Pursuant to HR 473, the following appointments were made to the select committee to study and investigate the integration of human rights standards in Pennsylvania's laws and policies.

The following appointments were read:

Speaker's Appointments:

George Kenney, Chairman
Pat Browne
Mary Ann Dailey
Tim Hennessey
Ron Miller
Elinor Taylor
Mike Turzai

Democratic Leader's Appointments:

Lawrence Curry, Minority Chairman
Peter J. Daley II
Harold James
Kathy Manderino
Phyllis Mundy
Joseph Preston, Jr.

BILLS REREPORTED FROM COMMITTEE

HB 816, PN 4130 By Rep. ARGALL

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for the surrender of a license for benefit of the licensee.

APPROPRIATIONS.

SB 223, PN 229 By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for aggravating circumstances in the sentencing procedure for murder of the first degree.

APPROPRIATIONS.

SB 572, PN 598 By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty and for list of qualified jurors.

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

HB 563, PN 4365 (Amended) By Rep. O'BRIEN

An Act providing for the regulation of home improvement contracts and for registration of certain home improvement contractors; prohibiting certain acts; prescribing requirements for home improvement contracts; establishing the Home Improvement Guaranty

Fund; and providing for claims against the fund and for the offense of home improvement fraud.

CONSUMER AFFAIRS.

HB 796, PN 4366 (Amended) By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for reporting criminal injuries.

JUDICIARY.

HB 805, PN 895 By Rep. O'BRIEN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electricity supplied to certain organizations.

CONSUMER AFFAIRS.

HB 2377, PN 3337 By Rep. GEIST

An Act designating a portion of Route 441 North in East Donegal Township, Lancaster County, Pennsylvania, as the Spangler Highway.

TRANSPORTATION.

HB 2614, PN 4364 (Amended) By Rep. O'BRIEN

An Act prohibiting certain facsimiles, commercial electronic transmissions and the use of text, graphic or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; imposing penalties; authorizing the blocking of commercial electronic mail by interactive computer service; and providing for the powers of the Attorney General.

CONSUMER AFFAIRS.

HB 2682, PN 4367 (Amended) By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug trafficking sentencing and penalties.

JUDICIARY.

HB 2725, PN 4368 (Amended) By Rep. GEIST

An Act designating Exit 60B in Robinson Township, Allegheny County, on Interstate Route 79 as the Trooper Todd C. Kelly Memorial Interchange; designating a certain exit from State Route 283 in Lower Swatara Township, Dauphin County, as the Franklin D. Linn Interchange; designating a bridge on State Route 2016 over Aughwick Creek in Cromwell Township, Huntingdon County, as the Charles Price Bridge; and designating the portion of State Route 1006 in Lewis Township, Northumberland County, as Rovendale Drive.

TRANSPORTATION.

HB 2858, PN 4327 By Rep. GEIST

An Act designating a portion of the Bay Front Parkway in Erie County as the Italo S. Cappabianca Memorial Highway.

TRANSPORTATION.

HB 2863, PN 4339

By Rep. CLYMER

An Act designating the Keystone Building as the K. Leroy Irvis Office Building.

STATE GOVERNMENT.

SB 1402, PN 1944

By Rep. GANNON

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

JUDICIARY.

BILLS ON SECOND CONSIDERATION

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

SB 223, PN 229; and SB 572, PN 598.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority whip, who requests the gentleman from Delaware, Mr. KIRKLAND, be placed on leave for the balance of today's session. Without objection, the leave will be granted. The Chair hears no objection.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2456, PN 3493**, entitled:

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

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?

Mr. Vitali, for what purpose do you rise?
Mr. VITALI. I just want to get a brief explanation of that.
The SPEAKER. Mr. Stern.

Mr. STERN. Mr. Speaker, what this bill would actually do is, it would allow for the \$10 surcharge that is used on deputy sheriff papers when they serve documents, that money that goes into the Pennsylvania Commission on Crime and Delinquency right now, they would be able to use that money to pay for deputy sheriff training.

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—194

Adolph	Eachus	Mackereth	Scavello
Allen	Egolf	Maitland	Schroder
Argall	Evans, D.	Major	Schuler
Armstrong, G.	Evans, J.	Manderino	Scrimenti
Armstrong, T.	Fairchild	Mann	Semmel
Baker, J.	Feese	Markosek	Shaner
Baker, M.	Fichter	Marsico	Smith, B.
Bard	Fleagle	Mayernik	Smith, S. H.
Barrar	Flick	McCall	Solobay
Bastian	Forcier	McGeehan	Stairs
Bebko-Jones	Frankel	McGill	Steelman
Belardi	Freeman	McIlhattan	Steil
Belfanti	Gabig	McIlhinney	Stern
Benninghoff	Gannon	McNaughton	Stetler
Birmelin	Geist	Melio	Stevenson, R.
Bishop	George	Metcalfe	Stevenson, T.
Blaum	Godshall	Michlovic	Strittmatter
Boyes	Gordner	Micozzie	Sturla
Brooks	Grucela	Miller, R.	Surra
Browne	Gruitza	Miller, S.	Tangretti
Bunt	Habay	Nailor	Taylor, E. Z.
Butkovitz	Haluska	Nickol	Taylor, J.
Buxton	Hanna	O'Brien	Thomas
Caltagirone	Harhai	Oliver	Tigue
Cappelli	Harhart	Pallone	Travaglio
Casorio	Harper	Perzel	Trello
Cawley	Hasay	Petrarca	Tulli
Civera	Hennessey	Petrone	Turzai
Clark	Herman	Phillips	Vance
Clymer	Hershey	Pickett	Veon
Cohen, M.	Hess	Pippy	Vitali
Colafella	Hutchinson	Pistella	Walko
Coleman	Jadlowiec	Preston	Wansacz
Cornell	James	Raymond	Washington
Corrigan	Josephs	Readshaw	Waters
Costa	Kaiser	Reinard	Watson
Coy	Keller	Rieger	Williams, J.
Creighton	Kenney	Roberts	Wilt
Cruz	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, G.
Dailey	Laughlin	Rohrer	Wright, M.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Rublely	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	Ryan,
Donatucci	Lynch	Saylor	Speaker

NAYS—1

Mundy

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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 654, PN 2251**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for newborn protection.

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—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayermik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic

Dally	Leh	Rubley	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

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

* * *

The House proceeded to third consideration of **HB 2729, PN 4072**, entitled:

An Act providing for the establishment of the Pennsylvania Travel and Tourism Partnership and imposing powers and duties on the Department of Community and Economic Development related to tourism promotion.

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

Mr. **GODSHALL** offered the following amendment No. **A4347**:

Amend Sec. 4, page 2, line 11, by striking out "33" and inserting 34

Amend Sec. 4, page 4, by inserting between lines 14 and 15
(12) One member from the National Park Service to be appointed by the Governor.

Amend Sec. 4, page 4, line 15, by striking out "(12)" and inserting
(13)

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayermik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay

Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rublely	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

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

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

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS-195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rublely	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

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

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2737, PN 4080**, entitled:

An Act amending the act of July 6, 1995 (P.L.291, No.44), known as the Lead Certification Act, further defining “lead-based paint”; and further providing for enforcement and penalties.

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

Mr. DeLUCA offered the following amendment No. **A3877**:

Amend Title, page 1, line 3, by inserting after “paint”;
providing for the certification of persons
conducting hazardous painting;

Amend Bill, page 1, lines 7 through 18; pages 2 through 4,
lines 1 through 30; page 5, lines 1 through 6, by striking out all of said
lines on said pages and inserting

Section 1. The act of July 6, 1995 (P.L.291, No.44), known as
the Lead Certification Act, is amended by adding a chapter heading to
read:

CHAPTER 1
GENERAL PROVISIONS

Section 2. Sections 1 and 2 of the act are amended to read:

Section [1] 101. Short title.

This [act] chapter shall be known and may be cited as the
Lead Certification and Hazardous Painting Certification Act.

Section [2] 102. Legislative findings and intent.

(a) Findings.—The General Assembly finds as follows:

(1) Lead poisoning is a significant health hazard to the
citizens of this Commonwealth. Lead poisoning is particularly a
hazard to children who typically are exposed to lead through
environmental sources such as lead-based paint in housing and
lead-contaminated dust and soil. It is the policy of this
Commonwealth to protect the health and welfare of its citizens
through reduction of lead in the environment.

(2) Improper abatement of lead-based paint within
this Commonwealth constitutes a serious threat to the public
health and safety and to the environment. The handling of
lead-containing substances by inadequately trained employers,
employees and other persons subjects the citizens of this
Commonwealth to the risk of further release of lead into the
environment.

(b) Intent.—The General Assembly declares the following to be
the intent of this [act] chapter:

(1) To protect the public health by preventing exposure
to lead through regulation of lead-based paint activities.

(2) To establish a program to train individuals engaged
in lead-based paint activities to insure they have the necessary
skill, training, experience and competence to perform these
activities.

(3) To monitor the work practices of those persons
performing lead-based paint activities to insure the work is
performed in accordance with required standards.

(4) To insure that the cleanup, disposal, and
postabatement clearance testing activities of persons performing
lead-based paint activities are performed in accordance with
required standards.

Section 3. Section 3 of the act is amended to read:

Section [3] 103. Definitions.

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

“Abatement.” Any set of measures designed to eliminate or
reduce lead-based paint hazards in accordance with standards
established by the Environmental Protection Agency. The term
includes all of the following:

(1) The removal of lead-based paint and
lead-contaminated dust, the permanent containment or
encapsulation of lead-based paint, the replacement of
lead-painted surfaces or fixtures and the removal or covering of
lead-contaminated soil.

(2) All preparation, cleanup, disposal and postabatement
clearance testing activities associated with such measures.

(3) Less-than-full abatement whereby the sources of lead
contamination are reduced sufficiently to create a “lead-safe”
environment rather than a “lead-free” environment.

(4) Abatement does not include renovation and
remodeling or landscaping activities by contractors whose
primary intent is not to permanently eliminate or reduce
lead-based paint hazards, but is instead to repair, restore or
remodel a given structure or dwelling, nor does it include
renovation and remodeling activities conducted by homeowners
in their homes.

“Accessible surface.” An interior or exterior surface painted with
lead-based paint that is accessible for a young child to mouth or chew.

“CDC.” The United States Centers for Disease Control and
Prevention.

“Certified contractor.” A person, firm, company or institution
which has been approved by the Department of Labor and Industry to
perform lead-based paint activities in this Commonwealth.

“Children.” Individuals who are under six years of age.

“Commercial building.” A building constructed for the purpose
of commercial or industrial activity and not primarily intended for use
by the general public, including, but not limited to, office complexes,
industrial buildings, warehouses, factories and storage facilities.

“Deleading.” Activities conducted by a person who offers to
eliminate or reduce lead-based paint or lead-based paint hazards or to
plan such activities.

“Demolition.” Pulling down or completely destroying a building
or structure or substantial removal of building elements.

“Department.” The Department of Labor and Industry of the
Commonwealth.

“Discipline.” A classification for a specific lead hazard activity.

“Employee.” A person who works for an employer but not in a
place used primarily as a personal residence.

“Employer.” A person, including the Commonwealth or a
political subdivision of the Commonwealth, who has one or more
employees working in a place not used primarily as a personal
residence.

“EPA.” The Environmental Protection Agency.

“Friction surface.” An interior or exterior surface that is subject
to abrasion or friction. The term includes, but is not limited to, certain
window, floor and stair surfaces.

“Hazard activities.” Any set of measures designed to eliminate
or reduce lead hazards in accordance with standards established by the
Environmental Protection Agency and other Federal agencies.

“Hazardous condition.” Any condition that causes exposure
to lead from lead-contaminated dust, lead-contaminated soil or a
lead-contaminated paint that is deteriorated or present in accessible
surfaces, friction surfaces or impact surfaces that would result in
adverse human health effects as established by the administrator
of the Environmental Protection Agency under section 403 of the
Toxic Substances Control Act (Public Law 94-469, 15 U.S.C. § 2683).

“Hazardous painting.” The application of a substance containing
or combined with a toxic or hazardous substance in vaporized, liquid or
particulate form to create a coating that will adhere to a surface to
protect or preserve the surface. The term does not include the
application of water-based paint that does not contain emulsion epoxies
or isocyanates.

“Health hazard.” A substance or physical agent capable of causing acute or chronic adverse effects to health.

“HUD.” The Department of Housing and Urban Development.

“Impact surface.” An interior or exterior surface that is subject to damage by repeated impacts, for example, certain parts of door frames.

“Individual.” Any of the following:

(1) A painting contractor, an employee of a painting contractor or a person engaged in the business of painting, but not including a casual laborer, a commercial artist or a person who creates artworks.

(2) A glazing contractor, an employee of a glazing contractor or a person engaged in the business of glazing.

(3) A drywall finishing contractor, an employee of a drywall finishing contractor or a person engaged in the business of drywall finishing.

(4) A wallcovering or paperhanging contractor, an employee of a wallcovering or paperhanging contractor or a person engaged in the business of wallcovering or paperhanging.

“Inspection.”
(1) A surface-by-surface investigation to determine the presence of lead-based paint, as provided in section 302(c) of the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695, 42 U.S.C. § 4822(c)).

(2) The provision of a written report explaining the results of the investigation.

“Inspector-risk assessor.” A person trained and certified to perform all activities of the inspector-technician, as well as to identify the presence of lead-based paint and to collect additional information designed to assess the level of risk to residents of target housing.

“Inspector-technician.” A person trained and certified to perform inspections solely for the purpose of determining the presence of lead-based paint through the use of onsite testing, such as XRF analysis, and the collection of samples for laboratory analysis.

“Lead-based paint.” Paint or other surface coatings that contain lead equal to or in excess of [the most current Department of Housing and Urban Development standards or, in the case of paint or other surface coatings on target housing, such lower level as may be established by the Secretary of Housing and Urban Development under the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695, 42 U.S.C. § 4822(c))] 1.0 milligrams per square centimeter, or more than 0.5% by weight.

“Lead-based paint activities.”

(1) With respect to target housing, the term includes risk assessment, inspection and abatement.

(2) With respect to a public building constructed before 1978 or any commercial building, bridge or other structure or superstructure, the term includes identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges and demolition.

“Lead-based paint hazard.” A condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces or impact surfaces, which exposure would result in adverse human health effects as established by the Department of Labor and Industry.

“OSHA.” The Occupational Safety and Health Administration.

“Person.” Any of the following:

(1) An individual.

(2) Any corporation, partnership or association.

(3) The Commonwealth. This paragraph includes an agency and instrumentality of the Commonwealth.

(4) A political subdivision. This paragraph includes an agency and instrumentality of a political subdivision.

“Planner-project designer.” A person trained and certified to plan and design lead-based paint activities.

“Public building.” Any building constructed prior to 1978 which is generally open to the public or occupied or visited by children.

The term includes, but is not limited to, schools, day-care centers, museums, airport terminals, hospitals, stores, restaurants, office buildings, convention centers and government buildings. The term excludes target housing.

“Renovation and remodeling activities.” Activities whose primary intent is not to permanently eliminate or reduce lead-based paint hazards, but is instead to repair, restore or remodel a given structure or dwelling.

“Residential dwelling.”

(1) A single-family dwelling including attached structures such as porches and stoops; or

(2) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more individuals.

“Risk assessment.” Onsite investigation to determine and report the existence, nature, severity and location of lead hazards in residential dwellings, including all of the following:

(1) Information gathering regarding the age and history of the housing and occupancy by children under six years of age.

(2) Visual inspection.

(3) Wipe sampling or other environmental testing and sampling techniques.

(4) Other activity as may be appropriate.

(5) Provision of a report explaining the results of the investigation.

“Secretary.” The Secretary of Labor and Industry of the Commonwealth.

“Superstructure.” A large steel or other industrial structure, such as, but not limited to, a bridge or water tower, which might contain lead-based materials.

“Supervisor.” A person trained and certified to oversee lead-based paint activities on target housing and public and commercial building job sites.

“Target housing.” Any housing constructed prior to 1978 or any zero-bedroom dwelling. The term excludes housing for the elderly or persons with disabilities unless any child who is less than six years of age resides or is expected to reside in such housing.

“Toxic or hazardous substance.”

(1) Any of the following:

(i) A chemical listed in 29 CFR Pt. 1901 Subpt. Z (relating to toxic and hazardous substances).

(ii) A chemical listed in “Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment,” American Conference of Governmental Industrial Hygienists (Latest Edition).

(iii) A substance for which an Occupational Safety and Health Administration form 20 or equivalent information is required under Occupational Safety and Health Administration regulations.

(iv) A substance determined by the Department of Labor and Industry to be a health hazard to a person who is exposed to the substance, including, but not limited to, a carcinogen, reproductive toxin, irritant, corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin, an agent that acts on the hematopoietic system, an agent that damages the lungs, a cutaneous hazard or an eye hazard.

(2) The term does not include substances that because of their physical state, volume or concentration do not pose a health hazard upon exposure or substances that are goods, food, drugs, cosmetics or tobacco products intended for personal consumption or substances in transit or lead.

“Transit.” Conveyed in a sealed or unopened container by a mode of transportation.

“XRF analyzer.” A machine that utilizes X-Ray Fluorescence (XRF) to test for the presence of lead-based paint.

Section 4. The act is amended by adding a chapter heading to read:

CHAPTER 3
LEAD-BASED PAINT ACTIVITIES

Section 5. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the act are amended to read:

Section [4] 301. Regulations.

(a) Adoption by department.—The department shall adopt regulations to carry out the provisions of this [act] chapter.

(b) Content.—Regulations adopted under this [act] chapter shall be no more stringent than Federal requirements and be limited to the following:

- (1) Requirements for accreditation of training providers.
- (2) Requirements for the training of individuals to engage in lead-based paint activities.
- (3) Requirements for certification of persons to perform lead-based paint activities.
- (4) Requirements for certification of contractors to perform lead-based paint activities.
- (5) Reciprocity standards for other states engaged in accreditation and certification.
- (6) Standards for performing lead-based paint activities.

Section [5] 302. Accreditation of training programs.

(a) General rule.—The department shall grant accreditation to all lead occupation training programs approved by the EPA and to any other training programs which the department determines to have met the approval standards of the EPA.

(b) Departmental audits.—A person providing lead occupation training shall make available to the department, at no cost to the department and at such times as the department may deem necessary, all course materials and records and access to actual training sessions.

(c) Revocation or suspension of accreditation.—The department may revoke or suspend accreditation if a course audit conducted by the department or its designated representative indicates a training program is not conducting training or operating its training program in accordance with the requirements of this act and regulations promulgated under this [act] chapter.

(d) Five-day notification requirement.—Accredited training providers shall submit to the department a written notification of their intent to conduct a training course at least five days prior to the start of the training course, in a manner prescribed by the department. In the case of an emergency, the department has the discretion to waive this notification requirement.

Section [6] 303. Certification standards and procedures.

(a) Occupation certification requirements.—In order to engage in lead-based paint activities, an individual must be certified by the department. The department shall certify an individual who completes a lead-based paint training program accredited by the department under section [5] 302 and passes an examination approved by the department. The department shall certify a partnership, association, corporation or other business entity which has submitted to the department a letter that is signed by a partner or officer, as appropriate, and that states all of the following:

- (1) Each employee and subcontractor performing lead-based paint activities has individually received the required training and received certification from the department.
- (2) The certified partnership, association, corporation or other business entity and its employees and subcontractors will perform lead-based paint activities in accordance with applicable Federal and State standards, including recordkeeping requirements.
- (3) A certified supervisor will be assigned and available to all of the abatement, deleading and demolition projects of the partnership, association, corporation or other business entity.

(b) Refresher training requirement.—In order to qualify for annual certification renewal, a person shall successfully complete a refresher training course approved by the department and provided by an accredited training provider for each category of certification.

Renewal of certification requires compliance with Federal work practice standards controlling lead-based paint activities.

(c) Photoidentification requirement.—All persons performing lead-based paint activities must have in their possession or have available at the job site a valid photoidentification certification card issued by the department.

Section [7] 304. Reciprocity.

The department shall designate by notice in the Pennsylvania Bulletin states which it deems to have certification requirements substantially similar to the Commonwealth. The department shall develop reciprocity agreements with other states or jurisdictions which have established accreditation and certification requirements which the department determines to be substantially similar to those set forth in this [act] chapter.

Section [8] 305. Account.

(a) Deposit of moneys.—The department shall deposit into the restricted revenue account established in the State Treasury under section 7(c) of the act of December 19, 1990 (P.L.805, No.194), known as the Asbestos Occupations Accreditation and Certification Act, any fees, fines or penalties collected pursuant to this act. Moneys deposited in such account are nonlapsing and hereby appropriated on a continuing basis and upon approval of the Governor to the department to carry out the purposes of this act and the Asbestos Occupations Accreditation and Certification Act. Notwithstanding the provisions of section 7(c) of the Asbestos Occupations Accreditation and Certification Act regarding the deposit and use of fees, moneys in this account shall be used for expenses related to the development, implementation and operation of programs under this [act] chapter and the Asbestos Occupations Accreditation and Certification Act and of programs, as approved by the secretary, developed in relation to these acts and carried out by other administrative agencies.

(b) Investment of moneys.—Notwithstanding the provisions of section 7(c) of the Asbestos Occupations Accreditation and Certification Act, the moneys in the account shall be invested in an interest-bearing account and the interest earned shall be credited to and become a part of the account.

Section [9] 306. Fees.

(a) Schedules.—The department shall establish schedules of fees for:

- (1) Certification of persons in the following disciplines:
 - (i) inspector technicians, inspector/risk assessors, supervisors, planner/project designers and workers; and
 - (ii) additional lead occupations identified by the department in regulations.
- (2) Accreditation of training courses.
- (3) Certification of contractors to perform lead-based paint activities.

(4) Any other reasonable fee the department deems appropriate to carry out the provisions of this [act] chapter.

(b) Payment of fees.—Both initial and renewal fees shall be paid annually by the person certified. The fees shall be paid upon application to the department.

(c) Waiver of fees.—Accreditation fees shall not be imposed on any state, local government or nonprofit training provider; nor shall certification fees be imposed on any state, local government or nonprofit service provider, as long as employees of the state, local government or nonprofit service provider actually perform the lead-based paint activities.

Section [10] 307. Enforcement and penalties.

(a) General rule.—A person shall not cause, suffer, permit or allow a lead-based paint activity to be performed in violation of any provision of this [act] chapter or regulations promulgated under this [act] chapter; nor shall any person cause, suffer, permit or allow the performance of any act or operation in violation of any order issued by the department pursuant to this act or regulations promulgated under this [act] chapter.

(b) [Violations.—The] Enforcement.—

(1) The department shall have the power to issue an order requiring compliance with this [act] chapter or regulations promulgated under this [act] chapter. An order shall be served personally or by certified mail at the last known address of the person violating a provision of this [act] chapter or a regulation promulgated under this [act] chapter. In the case of a violation of a lead-based paint work practice standard, a copy of the order shall also be served personally or by certified mail at the last known address upon the property owner and a copy shall be posted on the premises.

(2) The department, a district attorney or other proper enforcement officer of any municipality in which a lead-based paint abatement project is occurring shall have the power to prosecute a person in violation of subsection (a) in a court of competent jurisdiction.

(c) Hazardous conditions.—If the department determines that a hazardous condition exists due to the failure to comply with a provision of this [act] chapter or a regulation promulgated under this [act] chapter, the department, in addition to invoking other sanctions available to it, may invoke any of the following remedies:

(1) Issue an order to those engaged:

(i) to cease immediately all lead-based paint activities until the condition is corrected; and

(ii) to remove any workers except those needed to abate the hazard from the project work area until the condition is corrected in order to prevent further project activity.

(2) Evacuate appropriate portions of the site until the condition is corrected.

(3) Certify the existence of a lead-based paint hazard that exists due to the failure of a contractor or his employee to comply with the provisions of this [act] chapter, charge the added cost of any corrective cleanup or removal to the contractor responsible for the hazardous condition which exists due to the noncompliance and collect the cost by lien or any other means as may be authorized by law.

(4) Apply to an appropriate court for relief by injunction or restraining order against any person responsible for the hazardous condition.

(d) [Penalties.] Administrative penalties.—In addition to the sanctions or remedial orders provided in this section, a person who fails to comply with a requirement of this [act] chapter or a regulation promulgated under this [act] chapter or who fails to obey an order issued by the department may be subject to any of the following penalties:

(1) Denial, suspension or revocation of accreditation or certification for a person, training provider or contractor who does any of the following:

(i) Fraudulently or deceptively obtains or attempts to obtain accreditation or certification.

(ii) Fails to meet the requirements of this act or regulations adopted under this [act] chapter.

(iii) Fails to meet applicable Federal or State standards relating to lead-based paint activities.

(iv) Fails to pay a required fee.

(2) Imposition of an administrative penalty of not more than [\$1,000] \$5,000 for the first offense, not more than [\$5,000] \$10,000 for the second offense and not more than [\$10,000] \$25,000 for the third and each subsequent offense.

(3) Issuance of an order to cease any lead-based paint activity immediately.

(4) Initiation of legal action or proceeding in a court of competent jurisdiction.

(e) Continued violations.—Each day a violation continues to exist shall constitute an additional, separate and distinct violation for which a separate administrative penalty shall be imposed.

(f) Criminal penalties.—In addition to the other sanctions provided for in this section:

(1) A person, except an agency or instrumentality of the Commonwealth, that violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 for each day of violation or to imprisonment for not more than 30 days, or both, for a first offense.

(2) For each subsequent violation, a person that violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$25,000 or to imprisonment for not more than 90 days, or both.

Section [11] 308. Notification requirements.

(a) General rule.—Each certified contractor must notify the department of its intention to perform any lead-based paint abatement. The notification shall be in writing and shall be on a form prescribed by the department.

(b) Time of notice.—The notification under subsection (a) must be submitted to the department at least five days prior to the start of the abatement activity. The department in its discretion may waive the five-day notification requirement if it determines an emergency exists.

(c) Contents of notice.—The notice shall include at least the following information:

(1) The name, address and certification number of the contractor.

(2) The name and address of the lead-based paint abatement project and the political subdivision where it is located.

(3) The name and address of the building owner.

(4) The estimated start and completion date of the project.

(5) The name and address of the landfill where the lead will be sent for disposal.

Section [12] 309. Administrative agency law.

Penalties and other orders of the department under this [act] chapter are subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section [13] 310. Work practice standards.

The department shall promulgate regulations that adopt Federal regulations for performing lead-based paint activities.

Section [14] 311. Data collection program.

(a) Authorization.—The department, in cooperation with the Department of Health and other administrative agencies, may establish a program for the collection and analysis of data on lead-based paint detection and reduction activities in this Commonwealth and on the certification, accreditation and enforcement activities in the department.

(b) Confidentiality.—Data collected under subsection (a) shall be used only for implementation of this act and may not be used for any other purpose.

Section [15] 312. Preemption.

No political subdivision may develop accreditation or certification programs or procedures that deviate from those performed or approved by the Commonwealth.

Section 6. The act is amended by adding a chapter heading to read:

CHAPTER 9

HAZARDOUS PAINTING CERTIFICATION

Section 901. Hazardous painting certificate required.

(a) Certificate required.—A person may not employ or contract with an individual to perform hazardous painting for compensation unless the individual holds a current valid hazardous painting certificate issued by the department. As a condition of employment, an employer may require an individual to provide a copy of the certificate. It is a defense to a violation by an employer of this subsection if the

employer produces a copy of the individual's certificate and the employer reasonably believed the certificate was not falsified.

(b) Falsified certificate.—An individual may not provide a falsified hazardous painting certificate to an employer or make a false statement to an employer regarding the individual's certification.
Section 902. Issuance of certificate.

(a) Application.—An application for issuance of a hazardous painting certificate shall be on a form prescribed by the department. An application for initial issuance of a certificate must include proof that the applicant completed an approved basic hazardous painting certificate program not more than 30 days before the application was received by the department. An application for certificate renewal must include proof that the applicant completed an approved supplemental hazardous painting certificate program not more than 30 days before the date the application was received by the department.

(b) Issuance.—The department shall issue a hazardous painting certificate to an applicant who has completed an application and submitted a certificate fee. A certificate shall be valid for three years.
Section 903. Fee.

The department shall establish the triennial fee for a hazardous painting certificate by regulation. The fee must reflect the department's approximate costs or projected costs for the hazardous painting certification program.

Section 904. Certificate programs.

(a) Duties.—The department shall:

(1) Establish requirements for basic supplemental hazardous painting certificate programs.

(2) Review and approve or disapprove programs proposed by contractors, labor organizations, public and private schools, vocational education institutions or other persons.

(3) Assist persons who propose programs to meet requirements for approval.

(b) Instruction and testing.—A basic hazardous painting certificate program shall include instruction and written and practical testing in methods of ventilation, respirator selection, chemical reaction to body tissue, proper use of painting tools, knowledge of relevant health and safety laws and regulations. A basic hazardous painting certificate program may not exceed 16 hours of instruction and testing. A supplemental hazardous painting certificate program shall include instruction and written and practical testing necessary to ensure that a person who completes the program is knowledgeable about new developments and changes related to hazardous painting that have occurred since the person completed a basic hazardous painting certificate program.

(c) Safety instruction.—A hazardous painting certificate program conducted by an employer of a person enrolled in the program may include safety instruction.

Section 905. Inspections and citations.

The department shall:

(1) Inspect job sites to assure that individuals performing hazardous painting are certified as required under this act and are performing the work safely.

(2) Issue citations to persons who employ or contract with an individual in violation of this chapter.

(3) Issue citations to individuals who violate this chapter.

Section 906. Regulations.

The department shall adopt regulations to carry out the provisions of this chapter.

Section 907. Penalty.

The department may impose a civil fine of not more than \$200 for a first violation and not more than \$1,000 for a subsequent violation of this chapter or a regulation adopted pursuant to this chapter.

Section 7. The act is amended by adding a chapter heading to read:

CHAPTER 11
MISCELLANEOUS

Section 8. Sections 16 and 17 of the act are amended to read:
Section [16] 1101. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.
Section [17] 1102. Effective date.

This act shall take effect as follows:

(1) Section [10] 307 shall take effect in 270 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 180 days.

Section 9. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. Mr. Steil, on the amendment.

Mr. STEIL. Thank you, Mr. Speaker.

I ask to be excused from voting on this amendment and the following amendment, since I have a direct conflict of interest.

The SPEAKER. The gentleman is excused from voting.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Eachus	Mackereth	Saylor
Allen	Egolf	Maitland	Scavello
Argall	Evans, D.	Major	Schroder
Armstrong, G.	Evans, J.	Manderino	Schuler
Armstrong, T.	Fairchild	Mann	Scrimenti
Baker, J.	Feese	Markosek	Semmel
Baker, M.	Fichter	Marsico	Shaner
Bard	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Bastian	Forcier	McGeehan	Solobay
Bebko-Jones	Frankel	McGill	Stairs
Belardi	Freeman	McIlhattan	Steelman
Belfanti	Gabig	McIlhinney	Stern
Benninghoff	Gannon	McNaughton	Stetler
Birmelin	Geist	Melio	Stevenson, R.
Bishop	George	Metcalfe	Stevenson, T.
Blaum	Godshall	Michlovic	Strittmatter
Boyes	Gordner	Micozzie	Sturla
Brooks	Grucela	Miller, R.	Surra
Browne	Gruitza	Miller, S.	Tangretti
Bunt	Habay	Mundy	Taylor, E. Z.
Butkovitz	Haluska	Nailor	Taylor, J.
Buxton	Hanna	Nickol	Thomas
Caltagirone	Harhai	O'Brien	Tigue
Cappelli	Harhart	Oliver	Travaglio
Casorio	Harper	Pallone	Trello
Cawley	Hasay	Perzel	Tulli
Civera	Hennessey	Petrarca	Turzai
Clark	Herman	Petrone	Vance
Clymer	Hershey	Phillips	Veon
Cohen, M.	Hess	Pickett	Vitali
Colafrella	Hutchinson	Pippy	Walko
Coleman	Jadlowiec	Pistella	Wansacz
Cornell	James	Preston	Washington
Corrigan	Josephs	Raymond	Waters
Costa	Kaiser	Readshaw	Watson
Coy	Keller	Reinard	Williams, J.
Creighton	Kenney	Rieger	Wilt
Cruz	Krebs	Roberts	Wojnaroski

Curry	LaGrotta	Robinson	Wright, G.
Dailey	Laughlin	Roebuck	Wright, M.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Rubley	Yudichak
Dermody	Lescovitz	Ruffing	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lewis	Samuelson	
Diven	Lucyk	Santoni	Ryan,
Donatucci	Lynch	Sather	Speaker

NAYS—0

NOT VOTING—1

Steil

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

On the question,

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

The SPEAKER. Mr. DeLuca, do you have two amendments or just the one? Just the one.

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—194

Adolph	Eachus	Mackereth	Saylor
Allen	Egolf	Maitland	Scavello
Argall	Evans, D.	Major	Schroder
Armstrong, G.	Evans, J.	Manderino	Schuler
Armstrong, T.	Fairchild	Mann	Scrimenti
Baker, J.	Feese	Markosek	Semmel
Baker, M.	Fichter	Marsico	Shaner
Bard	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Bastian	Forcier	McGeehan	Solobay
Bebko-Jones	Frankel	McGill	Stairs
Belardi	Freeman	McIlhattan	Steelman
Belfanti	Gabig	McIlhinney	Stern
Benninghoff	Gannon	McNaughton	Stetler
Birmelin	Geist	Melio	Stevenson, R.
Bishop	George	Metcalfe	Stevenson, T.
Blaum	Godshall	Michlovic	Strittmatter
Boyes	Gordner	Micozzie	Sturla
Brooks	Grucela	Miller, R.	Surra
Browne	Gruitza	Miller, S.	Tangretti

Bunt	Habay	Mundy	Taylor, E. Z.
Butkovitz	Haluska	Nailor	Taylor, J.
Buxton	Hanna	Nickol	Thomas
Caltagirone	Harhai	O'Brien	Tigue
Cappelli	Harhart	Oliver	Travaglio
Casorio	Harper	Pallone	Trello
Cawley	Hasay	Perzel	Tulli
Civera	Hennessey	Petrarca	Turzai
Clark	Herman	Petrone	Vance
Clymer	Hershey	Phillips	Veon
Cohen, M.	Hess	Pickett	Vitali
Colafella	Hutchinson	Pippy	Walko
Coleman	Jadlowiec	Pistella	Wansacz
Cornell	James	Preston	Washington
Corrigan	Josephs	Raymond	Waters
Costa	Kaiser	Readshaw	Watson
Coy	Keller	Reinard	Williams, J.
Creighton	Kenney	Rieger	Wilt
Cruz	Krebs	Roberts	Wojnaroski
Curry	LaGrotta	Robinson	Wright, G.
Dailey	Laughlin	Roebuck	Wright, M.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Rubley	Yudichak
Dermody	Lescovitz	Ruffing	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lewis	Samuelson	
Diven	Lucyk	Santoni	Ryan,
Donatucci	Lynch	Sather	Speaker

NAYS—0

NOT VOTING—1

Steil

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome, as guests of Representative Jeff Coleman, Rev. and Mrs. Daryl Combs and the Indiana Christian Homeschooler's Association from Indiana, Pennsylvania. These guests are seated in the balcony. Would they please rise or wave so we can see just where you are.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2338, PN 3236**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments.

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

Mr. VEON offered the following amendment No. A4611:

Amend Title, page 1, line 3, by inserting after “for”
uniformity in administration of assistance and
regulations as to assistance and for

Amend Bill, page 1, lines 7 through 9, by striking out all of said
lines and inserting

Section 1. Section 403 of the act of June 13, 1967 (P.L.31,
No.21), known as the Public Welfare Code, is amended by adding a
subsection to read:

Section 403. Uniformity in Administration of Assistance;
Regulations as to Assistance.—* * *

(h) For purposes of post-eligibility determination of eligibility
for medical assistance payment toward cost of care in a facility, an
individual is permitted to deduct an amount for maintenance of a single
medical assistance eligible individual’s home if a physician has
certified that the individual is likely to return to his home within a
six-month period from the date he entered the facility. When this
deduction is provided, it may not be deducted for more than one period
of six consecutive months. The maintenance need amount for the single
individual is the medical assistance income limit for one individual
established by the department through regulation. A home is defined as
the residence maintained by the medical assistance eligible individual
before he entered the facility and to which he plans to return. If a
person is discharged and subsequently returns to a facility, the single
medical assistance eligible individual is eligible for an additional
period of six consecutive months for this deduction if a physician
certifies that the person is likely to return to his home within a
six-month period from the date of admittance to the facility.

Section 2. Section 443.3 of the act, amended November 28, 1973
(P.L.364, No.128), is amended to read:

Amend Sec. 2, page 2, line 29, by striking out “2” and inserting
3

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O’Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio

Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rubley	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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. VEON offered the following amendment No. A4614:

Amend Title, page 1, line 4, by removing the period after
“payments” and inserting
and for rules and regulations for personal care
home.

Amend Bill, page 2, line 29, by striking out all of said line and
inserting

Section 2. Section 1057.3(a)(10) of the act, added December 21,
1988 (P.L.1883, No.185), is amended to read:

Section 1057.3. Rules and Regulations for Personal Care
Home.—(a) The rules and regulations for the licensing of personal care
homes promulgated by the department shall require that:

* * *

(10) All residents may leave and return to the personal care
home, receive visitors, have access to [a] local and long-distance
telephone service and mail and participate in religious activities.

* * *

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

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rubley	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.
Mrs. VANCE. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 4595.

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rubley	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

On the question recurring,

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

Mrs. VANCE offered the following amendment No. A4595:

Amend Title, page 1, line 3, by inserting after "providing" for authorized signatures on employability assessment forms and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Section 405.1(a.3) of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, amended May 16, 1996 (P.L.175, No.35), is amended to read:

Section 405.1. Establishment of RESET.—* * *

(a.3) An applicant or recipient may be exempt from the requirements of subsection (a.2) if any of the following apply:

(1) The applicant or recipient has been assessed by a physician, certified registered nurse practitioner, licensed physician's assistant or psychologist as having a verified physical or mental disability which temporarily or permanently precludes the applicant or recipient from any form of employment or work-related activity. The verification of the physical or mental disability shall be established by written documentation in a form prescribed by the department and shall be based on acceptable clinical and laboratory diagnostic techniques, rather than a statement of symptoms by the applicant or recipient. The department may also require the applicant or recipient to submit to an independent examination as a condition of receiving assistance. An applicant or recipient with a verified physical or mental disability that is temporary in nature must pursue appropriate treatment as a condition of receiving assistance.

(2) The applicant or recipient is a specified relative caring for a child who is under six years of age and for whom alternate child care arrangements are unavailable.

(3) The applicant or recipient is under eighteen years of age. An applicant or recipient under this clause shall be required to pursue a high school diploma or a certificate of high school equivalency.

* * *

Section 2. Section 443.3 of the act, amended November 28, 1973 (P.L.364, No.128), is amended to read:

Amend Sec. 2, page 2, line 29, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) The amendment of section 443.3 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 following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay

Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Brown	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rubley	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Scavello
Allen	Evans, D.	Major	Schroder
Argall	Evans, J.	Manderino	Schuler
Armstrong, G.	Fairchild	Mann	Scrimenti
Armstrong, T.	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Stairs
Bebko-Jones	Freeman	McIlhattan	Steelman
Belardi	Gabig	McIlhinney	Steil
Belfanti	Gannon	McNaughton	Stern
Benninghoff	Geist	Melio	Stetler
Birmelin	George	Metcalfe	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Blaum	Gordner	Micozzie	Strittmatter
Boyes	Grucela	Miller, R.	Sturla
Brooks	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Rublely	Youngblood
DeLuca	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

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.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair turns to page 3 of today's calendar, SB 138.

The gentleman, Mr. Gannon, do you desire recognition on SB 138?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. Do you have a motion?

Mr. GANNON. Yes; I would like to offer a motion, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. GANNON. I would like to offer a motion to suspend the rules for the purposes of immediately considering SB 138 and only amendment 4685, which I believe I have circulated.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to suspend the rules.

Mr. Speaker, we are back here once again on the floor of the House of Representatives, dealing with a, admittedly, very complex, very controversial, very difficult, and very challenging issue, challenging for all the members in this House, both sides, Democrat and Republican, on both sides of the issue. It is an admittedly very complicated, complex, controversial issue of how do we reasonably resolve the medical malpractice problem that we have in the State of Pennsylvania.

And, Mr. Speaker, I rise to oppose the motion to suspend, because once again we are rushing to judgment; once again we are here on the floor of the House with a hastily put together measure, in a way that certainly, in my judgment, does very little, if anything at all, to solve the problem of medical malpractice.

Mr. Speaker, not that long ago on the floor of the House, a majority of the members here passed a bill, and we recognized that this issue that the gentleman is dealing with today, the issue of venue – where lawsuits can be held, where trials can be held, on medical malpractice – we recognized at that time that this issue of venue that the gentleman—

The SPEAKER. Mr. Veon, I recognize you are speaking as a leader, and I am giving you all the leeway you asked for. I simply remind you and whoever is going to debate from the other side that the question really before us is on suspension of the rules. I am not trying to hold you to that exact question, Mr. Veon, but I would like you to keep it in mind. The gentleman may proceed.

Mr. VEON. Thank you, Mr. Speaker, and I appreciate that.

I would like to oppose this motion to suspend the rules.

The gentleman has language that is in front of us today to deal with the issue of venues in lawsuits, and, Mr. Speaker, because of his motion to suspend the rules, we will not get an opportunity on the floor of this House to debate carefully, considerably, on a whole range of other options dealing with the issue of venues. And, Mr. Speaker, this General Assembly charged not too long ago a commission of specialists to come back to the General Assembly with some recommendations on this very difficult, complex, and complicated issue, and, Mr. Speaker, that commission, I think, did a very good job, and

yet we are here today with this motion to suspend the rules, to very quickly, very hurriedly, ignore all those recommendations, by experts that we asked to put together recommendations to come back to the General Assembly. The gentleman now is here with a motion to suspend the rules to very quickly and very hurriedly put through a bill that ignores that commission and ignores those recommendations.

So I oppose the motion to suspend, because I would like an opportunity to offer amendments, and the amendments would consist of the language that the commission did put together. They offered four reasonable alternatives—

The SPEAKER. Mr. Veon, I do not think you should be permitted to debate the amendments that you would be offering if this went on, please.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I was trying to make the case that if we suspend the rules, I will not have an opportunity to offer any amendments and that the function of this rules suspension, at least in my judgment, is to prohibit my ability to offer these amendments to this bill. There is no reasonable reason that we cannot wait another day, Mr. Speaker; that we cannot wait until these amendments are drafted appropriately to the bill that is in front of us so that we can have a serious debate, a reasoned debate, on the recommendations made by the commission, Mr. Speaker, and if we do not suspend the rules, I would have that opportunity to offer those amendments.

I think that is a reasonable request, again, on a very complex and complicated issue. Give me the opportunity to offer amendments to this bill so that the full House can have the benefit of having that kind of considerable and, I think, thorough debate, Mr. Speaker.

For those reasons I would ask for a “no” vote on the motion to suspend the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair notes the majority leader has yielded his right to debate the question of suspension of the rules to the gentleman, Mr. Gannon, who is recognized.

Mr. GANNON. Mr. Speaker, this is not a new issue to come before this chamber. We wrestled with this issue earlier this year, and as a result of that, we created this venue commission – this blue-ribbon panel, if you will – to study this problem in depth and to make recommendations; to do an analysis and to make recommendations. That they have done, and they have done a very good job, and we have incorporated into this amendment many of the recommendations of that blue-ribbon panel.

It is not a new issue. It is not something we have not discussed before. It is not something we have not debated before. It is not something that is coming out of left field. It has been here.

I think the members fully understand that we are in a crisis in Pennsylvania with respect to the delivery of quality medical care because our physicians are laboring under extremely high medical malpractice premiums. Many of them have left our Commonwealth. Many of them are leaving the Commonwealth, because they feel forced to do so, because they simply cannot afford to practice. We are seeing patients without doctors and doctors exiting Pennsylvania.

We cannot allow that to continue. We must do what we can to reduce those medical malpractice insurance premiums so that

those doctors will stay here. This is probably the major issue that has impacted on that profession – the ability to forum shop, the ability to take a case out of where the cause of action occurred and have it heard by a judge who does not know any of the parties and to a jury who does not know the parties—

The SPEAKER. Mr. Gannon, I am going to caution you, as I did Mr. Veon, to stay— I am giving you latitude, as I gave Mr. Veon, but I do not expect to hear a full debate on what the amendment is.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the chief complaint that I heard from Representative Veon with respect to the process that was taking place right now was other amendments that he would wish to offer to this legislation. I have not seen those amendments. I do not know what they deal with. But certainly, Mr. Veon would have the right to step before this body and request that there be another suspension of the rules, if the case may be, to consider any amendments that he may have.

My motion right now is to hear this specific amendment, and that is what I am asking the members to vote on. I think certainly the members would give due consideration to any motion that Mr. Veon would make with respect to any amendments that he may wish to offer.

Thank you, Mr. Speaker.

And by the way, Mr. Speaker, if I may, I have always worked very, very closely with the Democrat chairman of my committee, and he has assured me that he fully supports my effort to suspend the rules to give consideration to this amendment.

The SPEAKER. On the question of suspension of the rules, this is not debatable except by the two floor leaders or their surrogates.

PARLIAMENTARY INQUIRY

The SPEAKER. Parliamentary inquiry. State your point of parliamentary inquiry.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I timely filed amendments to this bill, amendments A0062, 65, and 68. If this motion is adopted, will those amendments be in order?

The SPEAKER. They would not—

Mr. HANNA. Thank you, Mr. Speaker.

The SPEAKER. —without a further suspension.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—120

Adolph	Diven	Mackereth	Scavello
Allen	Donatucci	Maitland	Schroder
Argall	Egolf	Major	Schuler
Armstrong, G.	Fairchild	Mann	Semmel
Armstrong, T.	Feese	Markosek	Smith, B.
Baker, J.	Fichter	Marsico	Smith, S. H.
Baker, M.	Fleagle	Mayernik	Stairs
Bard	Flick	McGeehan	Steil
Barrar	Forcier	McGill	Stern
Bastian	Gabig	McIlhinney	Stevenson, R.
Benninghoff	Gannon	McNaughton	Stevenson, T.
Birmelin	Geist	Metcalf	Strittmatter

Bishop	Godshall	Micozzie	Taylor, E. Z.
Blaum	Gordner	Miller, R.	Taylor, J.
Boyes	Habay	Miller, S.	Thomas
Brooks	Harhart	Nailor	Tigue
Browne	Hasay	Nickol	Tulli
Bunt	Hennessey	Oliver	Turzai
Cappelli	Herman	Perzel	Vance
Cawley	Hershey	Phillips	Vitali
Civera	Hess	Pickett	Watson
Clark	Hutchinson	Pippy	Wilt
Clymer	Jadlowiec	Raymond	Wright, M.
Coleman	Kaiser	Readshaw	Youngblood
Cornell	Keller	Reinard	Yudichak
Corrigan	Kenney	Robinson	Zimmerman
Creighton	Lawless	Rohrer	Zug
Cruz	Lederer	Rubley	
Dailey	Leh	Sather	
Dally	Lewis	Saylor	Ryan,
DiGirolamo	Lynch		Speaker

NAYS—70

Bebko-Jones	Frankel	Melio	Shaner
Belardi	Freeman	Michlovic	Solobay
Belfanti	George	Mundy	Steelman
Butkovitz	Grucela	O'Brien	Stetler
Buxton	Gruitza	Pallone	Sturla
Caltagirone	Haluska	Petrarca	Surra
Casorio	Hanna	Petrone	Tangretti
Cohen, M.	Harhai	Pistella	Travaglio
Colafella	James	Preston	Trello
Costa	Krebs	Roberts	Veon
Coy	LaGrotta	Roebuck	Walko
Curry	Laughlin	Rooney	Wansacz
DeLuca	Lescovitz	Ruffing	Washington
Dermody	Levdansky	Sainato	Waters
DeWeese	Lucyk	Samuelson	Wojnaroski
Eachus	Manderino	Santoni	Wright, G.
Evans, D.	McCall	Scrimenti	Yewcic
Evans, J.	McIlhattan		

NOT VOTING—5

Daley	Josephs	Rieger	Williams, J.
Harper			

EXCUSED—8

Cohen, L. I.	Kirkland	Myers	Staback
Horsey	Maher	Ross	Trich

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

BILL RECOMMITTED

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

Mr. GANNON. Thank you.

Mr. Speaker, I would like to make a motion, please.

The SPEAKER. The gentleman is in order.

Mr. GANNON. I would like to move that SB 138 be referred back to the Judiciary Committee.

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

The SPEAKER. On the question of recommittal, those in favor will vote—

PARLIAMENTARY INQUIRY

Mr. GANNON. If I may, Mr. Speaker, just a parliamentary inquiry.

Would the motion have to say SB 138 with any amendments referred back?

The SPEAKER. There are no amendments attached, so it would not be necessary to say it.

Mr. GANNON. Okay. All right. Thank you, Mr. Speaker.

Then the motion is to refer SB 138 to the Judiciary Committee.

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

The following roll call was recorded:

YEAS—192

Adolph	Eachus	Mackereth	Saylor
Allen	Egolf	Maitland	Scavello
Argall	Evans, D.	Major	Schroder
Armstrong, G.	Evans, J.	Manderino	Schuler
Armstrong, T.	Fairchild	Mann	Semmel
Baker, J.	Feese	Markosek	Shaner
Baker, M.	Fichter	Marsico	Smith, B.
Bard	Fleagle	Mayernik	Smith, S. H.
Barrar	Flick	McCall	Solobay
Bastian	Forcier	McGeehan	Stairs
Bebko-Jones	Frankel	McGill	Steelman
Belardi	Freeman	McIlhattan	Steil
Belfanti	Gabig	McIlhinney	Stern
Benninghoff	Gannon	McNaughton	Stetler
Birmelin	Geist	Melio	Stevenson, R.
Bishop	George	Metcalfe	Stevenson, T.
Blaum	Godshall	Michlovic	Strittmatter
Boyes	Gordner	Micozzie	Sturla
Brooks	Grucela	Miller, R.	Surra
Browne	Gruitza	Miller, S.	Tangretti
Bunt	Habay	Mundy	Taylor, E. Z.
Butkovitz	Haluska	Nailor	Taylor, J.
Buxton	Hanna	Nickol	Thomas
Caltagirone	Harhai	O'Brien	Travaglio
Cappelli	Harhart	Oliver	Trello
Casorio	Harper	Perzel	Tulli
Cawley	Hasay	Petrarca	Turzai
Civera	Hennessey	Petrone	Vance
Clark	Herman	Phillips	Veon
Clymer	Hershey	Pickett	Vitali
Cohen, M.	Hess	Pippy	Walko
Colafella	Hutchinson	Pistella	Wansacz
Coleman	Jadlowiec	Preston	Washington
Cornell	James	Raymond	Waters
Corrigan	Josephs	Readshaw	Watson
Costa	Kaiser	Reinard	Williams, J.
Coy	Keller	Rieger	Wilt
Creighton	Kenney	Roberts	Wojnaroski
Cruz	Krebs	Robinson	Wright, G.
Curry	LaGrotta	Roebuck	Wright, M.
Dailey	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Rubley	Yudichak
DeLuca	Leh	Ruffing	Zimmerman
Dermody	Lescovitz	Sainato	Zug
DeWeese	Levdansky	Samuelson	
DiGirolamo	Lewis	Santoni	
Diven	Lucyk	Sather	Ryan,
Donatucci	Lynch		Speaker

NAYS—3

Pallone Scrimenti Tighe

NOT VOTING—0

EXCUSED—8

Cohen, L. I. Kirkland Myers Staback
Horsey Maher Ross Trich

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

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon, for an immediate meeting of the Judiciary Committee, which will meet at the rear of the hall of the House.

The House will stand at ease awaiting the report of the Judiciary Committee.

RECESS

The SPEAKER. The House will be in recess for an additional 5 minutes.

AFTER RECESS

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

BILL REPORTED AND REREFERRED TO COMMITTEE ON CONSUMER AFFAIRS**SB 1406, PN 1995**

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of unlawful transmission of electronic mail; and imposing a penalty.

JUDICIARY.

BILL REREPORTED FROM COMMITTEE**SB 138, PN 2263 (Amended)**

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for venue and for compensation of multicounty investigating grand jurors.

JUDICIARY.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Adolph, Jim Serratore, a Pennsylvania businessman from Mr. Adolph's district. He is seated in the gallery. Would he please rise or wave so we see him.

The reason for the delay is SB 138 is in print. However, it has not been found on the computer yet. It is still going through that process.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 2780, PN 4372 (Amended)**

By Rep. FLICK

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

LABOR RELATIONS.

The SPEAKER. The House will stand at ease.

SUPPLEMENTAL CALENDAR B

The SPEAKER. The Chair turns to House calendar supplemental B, page 1 of that calendar, SB 138, PN 2263.

MOTION TO SUSPEND RULES

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

Mr. GANNON. Mr. Speaker, I move that the rules of this House be suspended to permit the immediate consideration of SB 138 without amendment.

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

The SPEAKER. On that question, Mr. Gannon.

It is the understanding of the Chair that the majority leader has yielded the privilege of the floor to Mr. Gannon at this time. Mr. Gannon.

Mr. GANNON. Mr. Speaker, thank you very much.

This motion to suspend the rules to immediately consider SB 138 as amended by the Judiciary Committee brings me here as a matter of urgency. We have a situation in Pennsylvania that is at crisis proportions. Today is October 1, 2002. Physicians have already begun to receive notices of nonrenewal by their insurance carriers. Those that have been renewed are seeing exorbitantly high increases in their premiums to the point that many of them are going to be compelled to leave Pennsylvania. Many—

The SPEAKER. The House will please come to order. Conferences on the floor of the House, please break up. Members, take your seats. The conference in the rear of the House, please break up.

Mr. Gannon.

Mr. GANNON. We have a duty to do whatever we can to bring down the cost of the liability insurance that our physicians now pay, to keep them practicing here in Pennsylvania so that our constituents can have the high quality medical care that they need and that they deserve. There is an urgency to this situation. If we do not consider this bill today, it will just simply mean more time wasted, more time to give those physicians an opportunity, more time to—

POINT OF ORDER

The SPEAKER. For what reason does the gentleman, Mr. Vitali, rise?

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

The bill is not on the screen.

The SPEAKER. It is the understanding of the Chair that it was on the screen.

Will the gentleman yield for a moment.

It is the information of the Chair that it is on some of the systems and not all of them. So we will wait for a minute before we share it with you.

PARLIAMENTARY INQUIRY

The SPEAKER. For what reason does the gentleman, Mr. Hanna, rise?

Mr. HANNA. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HANNA. My inquiry is the same as before. If Mr. Gannon's motion is adopted, will the amendments that I timely filed in January be out of order for consideration?

The SPEAKER. They would be.

Mr. HANNA. Thank you, Mr. Speaker.

The SPEAKER. It is the understanding of the Chair that the bill is printed on all systems right now, if you know how to run them.

The House will please come to order. Members, please take your seats. The conference in the rear of the hall, conferences in the aisles, please break up.

Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, as I was saying, there is an urgency in Pennsylvania with respect to quality medical care. Physicians are leaving this State because of the high cost of their medical malpractice insurance. This suspension of the rules will give us an opportunity to help the physicians of Pennsylvania.

I urge the members to vote "yes" on the motion to suspend the rules so we can get to the bill, get it to the Senate, get it to the Governor's desk so he can sign it today or tomorrow, as soon as possible, so we can start bringing those malpractice premiums down and keep our doctors working here and maintain the high quality of medical care that every Pennsylvanian deserves.

I ask for a "yes" vote on the motion to suspend.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWeese. Will the gentleman yield.

The conference in the center aisle, please break up.

Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The House floor process, as exhibited earlier this afternoon with the roll-call vote on suspension, is being directly attacked by this parliamentary maneuver, and the gentleman's motion makes a mockery of our House floor process. It obviates what we would consider a responsible methodology that should be enjoyed here on the floor of the House.

The deliberations that we are asked to perform on this matter are serious and substantive and in some ways comparatively arcane, and they should not be a rush to judgment or there should not be a rush to judgment.

This again is a process that the majority party has, in my opinion, disrespected and sullied in the past and is doing so again. This is just not the way we should be doing business, and I would oppose the gentleman's motion.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of the gentleman, Mr. Maher. He is taken from the leave list and is permitted to vote.

MOTION TO SUSPEND RULES CONTINUED

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—122

Adolph	Diven	Lewis	Scavello
Allen	Donatucci	Lynch	Schroder
Argall	Egolf	Mackereth	Schuler
Armstrong, G.	Evans, J.	Maher	Semmel
Armstrong, T.	Fairchild	Maitland	Smith, B.
Baker, J.	Feese	Major	Smith, S. H.
Baker, M.	Fichter	Mann	Stairs
Bard	Fleagle	Markosek	Steil
Barrar	Flick	Marsico	Stern
Bastian	Forcier	Mayernik	Stevenson, R.
Belfanti	Gabig	McGill	Stevenson, T.
Benninghoff	Gannon	McIlhinney	Strittmatter
Birmelin	Geist	McNaughton	Taylor, E. Z.
Blaum	Godshall	Metcalfe	Taylor, J.
Boyes	Gordner	Micozzie	Tigue
Brooks	Habay	Miller, R.	Tulli
Browne	Harhart	Miller, S.	Turzai
Bunt	Harper	Mundy	Vance
Cawley	Hasay	Nailor	Vitali
Civera	Hennessey	Nickol	Wansacz
Clark	Herman	Perzel	Watson
Clymer	Hershey	Phillips	Wilt
Coleman	Hess	Pickett	Wright, M.
Cornell	Hutchinson	Pippy	Yewcic
Corrigan	Jadlowiec	Raymond	Youngblood
Coy	Kaiser	Reinard	Yudichak
Creighton	Keller	Roberts	Zimmerman
Cruz	Kenney	Rohrer	Zug
Dailey	Lawless	Rubley	
Dally	Lederer	Sather	Ryan,
DiGirolo	Leh	Saylor	Speaker

NAYS—73

Bebko-Jones	George	Melio	Scrimenti
Belardi	Grucela	Michlovic	Shaner
Bishop	Gruitza	O'Brien	Solobay
Butkovitz	Haluska	Oliver	Steelman
Buxton	Hanna	Pallone	Stetler
Caltagirone	Harhai	Petrarca	Sturla
Casorio	James	Petrone	Surra
Cohen, M.	Josephs	Pistella	Tangretti
Colafrilla	Krebs	Preston	Thomas

Costa	LaGrotta	Readshaw	Travaglio
Curry	Laughlin	Rieger	Trello
Daley	Lescovitz	Robinson	Veon
DeLuca	Levdansky	Roebuck	Walko
Dermody	Lucyk	Rooney	Washington
DeWeese	Manderino	Ruffing	Waters
Eachus	McCall	Sainato	Williams, J.
Evans, D.	McGeehan	Samuelson	Wojnaroski
Frankel	McIlhattan	Santoni	Wright, G.
Freeman			

NOT VOTING—1

Cappelli

EXCUSED—7

Cohen, L. I.	Kirkland	Ross	Trich
Horsey	Myers	Stabak	

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

The SPEAKER. Does the majority leader or minority leader have any further business today?

**AGRICULTURE AND RURAL AFFAIRS
COMMITTEE MEETING**

The SPEAKER. The Chair advises that there is an Agriculture and Rural Affairs Committee meeting in room 148 in the Main Capitol on the adoption of the adjournment resolution.

LEAVE OF ABSENCE

The SPEAKER. The gentleman, Mr. CAPPELLI, is added to the leave list for the balance of today’s session.

VOTE CORRECTIONS

The SPEAKER. Mr. Melio, do you desire recognition?

Mr. MELIO. Thank you, Mr. Speaker.

On that last vote my machine malfunctioned. I would like to be put in the affirmative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Ms. Josephs.

Ms. JOSEPHS. To correct the record, sir.

On the motion to suspend the rules on SB 138 and amendment 4685, my machine did not record. I would have voted “no.”

The SPEAKER. The remarks of the lady will be spread upon the record.

Ms. JOSEPHS. Thank you.

The SPEAKER. Thank you.

COMMITTEE MEETING CANCELED

The SPEAKER. Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, the House Commerce and Economic Development Committee meeting that was scheduled for Thursday has been canceled.

The SPEAKER. The Chair thanks the gentleman.

Mr. HASAY. Thank you, Mr. Speaker.

The SPEAKER. For the benefit of the members, tomorrow is a nonvoting day.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen, the Democratic caucus chairman, desires recognition.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, even though tomorrow is a token day, we will have a caucus meeting with Jim Nevels, the chairman of the School Reform Commission of Philadelphia, who will report on the progress of the Philadelphia schools and answer any questions that members may have. It is 10:30 tomorrow in the caucus room.

There also will be a review and planning caucus on Thursday, October 3, at 10 a.m. in the caucus room.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The members of the Republican Caucus originally had a meeting scheduled today at 2 o’clock off premises and that time was tentatively changed. It has now been canceled.

There will be no Republican caucus tomorrow.

Does the majority leader or minority leader have any further business?

There will be no further votes. The Chair is going to hold the desk open to take the report of the Ag Committee.

The House will stand at ease.

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

HB 2842, PN 4303

By Rep. BUNT

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, defining “cleanup costs” and “disposal costs” for purposes of domestic animals; and further providing for indemnification and for depopulation incentive.

AGRICULTURE AND RURAL AFFAIRS.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 2842 be taken from the table.

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, October 7, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, October 7, 2002, unless sooner recalled by the Speaker of the House of Representatives.

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

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the lady, Ms. Harper, from Montgomery County.

Ms. HARPER. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 2, 2002, at 11 a.m., e.d.t., unless sooner recalled by the Chair.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:22 p.m., e.d.t., the House adjourned.