

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 7, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN)

PRESIDING

PRAYER

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

Thank you, Mr. Speaker.

Let us pray:

Lord, I pray for the righteousness of this body of believers this day. We thank You for Your grace, mercy, and unconditional love. May each Representative be a man or woman of God who loves Your laws. I pray they will meditate on Your laws before they interpret the laws of this Commonwealth. Give every man and woman of this House wisdom and integrity to discern righteously so that they would never violate Your laws, and may Your will be done in each and every decision.

May they also be filled with fear of doing what is honest and right in the eyes of God. Again, Father, we ask that You give them, by the power of Your Holy Spirit, to discern righteously and plead the cause of the people of the Commonwealth of Pennsylvania.

We pray all these things in the name of the Father and of the Son and of the Holy Spirit. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, October 2, 2002, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals for Tuesday, June 4; Wednesday, June 5; and Monday, June 10, 2002, are in print, ready to be approved. Without objection, these Journals will stand approved. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2888 By Representatives TULLI, McCALL, ADOLPH, M. BAKER, BUXTON, CAPPELLI, CORRIGAN, FICHTER, HARHAI, HERSHEY, KENNEY, LEH, MAHER, MAITLAND, MANN, PERZEL, SAYLOR, SEMMEL and YOUNGBLOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the procedure for certificates of public convenience.

Referred to Committee on CONSUMER AFFAIRS, October 3, 2002.

No. 2889 By Representatives MAITLAND, SCHULER, R. MILLER, M. BAKER, BROOKS, CAPPELLI, CLARK, CORRIGAN, CREIGHTON, DeWEESE, FLEAGLE, GEORGE, GODSHALL, HARHAI, MANDERINO, NICKOL, PICKETT, READSHAW, SCRIMENTI, SHANER, B. SMITH, THOMAS, TURZAI, YOUNGBLOOD and E. Z. TAYLOR

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, defining "home care agency;" and providing for home care services ordered by physicians from another state.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 3, 2002.

No. 2890 By Representative ROBERTS

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, further providing for disposal fee for municipal waste landfills.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 3, 2002.

No. 2891 By Representative D. EVANS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Options for Students in Failing Schools Program; providing for program administration and for supplemental education services; and requiring a performance evaluation study by the Legislative Budget and Finance Committee.

Referred to Committee on EDUCATION, October 3, 2002.

No. 2892 By Representatives KENNEY, J. TAYLOR, KELLER, BISHOP, McGEEHAN, YOUNGBLOOD, CAPPELLI, MANDERINO, STEELMAN, RUBLEY, HERSHEY, BROWNE and LEDERER

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; and further providing for period used in computation of tax and for tax payment.

Referred to Committee on URBAN AFFAIRS, October 3, 2002.

No. 2893 By Representatives McCALL, BARRAR, CORRIGAN, DALEY, HALUSKA, HARHAI, HORSEY, LAUGHLIN, LEH, MELIO, SAINATO, SHANER, SURRA, TANGRETTI, TIGUE and WANSACZ

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

Referred to Committee on TRANSPORTATION, October 7, 2002.

No. 2894 By Representatives FLICK, BELFANTI, McGEEHAN, BROWNE, CAPPELLI, COY, DALEY, DALLY, DeWEESE, EACHUS, J. EVANS, FRANKEL, FREEMAN, GEIST, HARHAI, HERMAN, HERSHEY, KELLER, LAUGHLIN, LEH, McILHATTAN, MELIO, S. MILLER, PETRARCA, PICKETT, RUBLEY, SCHRODER, E. Z. TAYLOR, THOMAS, TIGUE, WILT, G. WRIGHT, YOUNGBLOOD, YUDICHAK and CAWLEY

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

Referred to Committee on LABOR RELATIONS, October 7, 2002.

No. 2895 By Representatives TURZAI, CAPPELLI, CREIGHTON, DeWEESE, DONATUCCI, EGOLF, FAIRCHILD, GEIST, GEORGE, HASAY, HERSHEY, LEH, MARKOSEK, R. MILLER, S. MILLER, PIPPY, SAINATO, SAYLOR, R. STEVENSON, T. STEVENSON, G. WRIGHT, YOUNGBLOOD and HORSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "qualified motor vehicle" for purposes of the motor carriers road tax.

Referred to Committee on FINANCE, October 7, 2002.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 685 By Representatives J. TAYLOR, ADOLPH, ARGALL, M. BAKER, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BROOKS, BROWNE, BUNT, CALTAGIRONE, CAPPELLI, CLARK, L. I. COHEN, CORRIGAN, COY, CREIGHTON, DALEY, DeLUCA, DERMODY, DeWEESE, J. EVANS, FICHTER, FLEAGLE,

GABIG, GEIST, GEORGE, GORDNER, GRUCELA, HARHAI, HENNESSEY, HERMAN, HERSHEY, HESS, JOSEPHS, KELLER, LAUGHLIN, LEDERER, MAJOR, MARSICO, McGILL, McNAUGHTON, MELIO, MICOZZIE, PIPPY, PISTELLA, READSHAW, ROHRER, ROSS, RUBLEY, SANTONI, SATHER, SCAVELLO, SCHULER, SHANER, B. SMITH, STABACK, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TURZAI, WALKO, WATSON, WILT, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, YUDICHAK and S. MILLER

A Resolution memorializing the Congress of the United States to declare September 11 as "National Day of Life Appreciation and Freedom."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 7, 2002.

SENATE BILLS FOR CONCURRENCE

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

SB 1431, PN 2013

Referred to Committee on JUDICIARY, October 3, 2002.

SB 1461, PN 2277

Referred to Committee on STATE GOVERNMENT, October 7, 2002.

SB 1486, PN 2142

Referred to Committee on JUDICIARY, October 7, 2002.

SB 1528, PN 2244

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 7, 2002.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 834, PN 2262**.

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

2002 PROPERTY DISPOSITION PLAN SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the revised 2002 Property Disposition Plan and directs that to be placed on the calendar.

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

**COMMUNICATION FROM
DEPARTMENT OF PUBLIC WELFARE**

The SPEAKER. The Speaker acknowledges receipt of the Annual Report on the Low-Income Home Energy Assistance Program submitted by the Department of Public Welfare.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move the following bills be taken from the table:

HB 205;
HB 511;
HB 553; and
HB 1420.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move the following bills be placed back upon the table:

HB 205;
HB 511;
HB 553; and
HB 1420.

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

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

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

HB 219, HB 582, HB 767, HB 1952, HB 2164, HB 2322, and HB 2398.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as guests of Representative Mario Scavello and Representative Kelly Lewis, the senior class of Notre Dame High School located in East Stroudsburg, Monroe County. This class makes a yearly visit to the Capitol and is escorted

today by John Gormley, the dean of students, and William Gaa, American government and history teacher. They are seated in the gallery. Would they please rise.

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

HB 2765, PN 4400 (Amended) By Rep. BOYES

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further defining "dispensing machine" and "games of chance."

FINANCE.

HB 2834, PN 4401 (Amended) By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for collection of realty transfer tax and for the administration of local real estate transfer tax.

FINANCE.

HB 2860, PN 4329 By Rep. BOYES

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for PACE reinstatement.

FINANCE.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for the following members: the lady from Montgomery, Mrs. BROOKS; the gentleman from York, Mr. NICKOL. Without objection, these leaves will be granted. The Chair hears no objection.

The Chair recognizes the minority whip, who requests a leave of absence for the week for the gentleman from Philadelphia County, Mr. MYERS, and for the day for the gentleman from Philadelphia County, Mr. HORSEY. Without objection, these leaves will be granted. The Chair hears no objection.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is pleased to announce that we have a new grandmother in the House, Lita Cohen, who has a new granddaughter, Hallie Risa Rosenfield. Now I am going to read exactly what the lady put before me, "what a number – 7'11". What the lady neglected to do was watch her digits, because this reads 7 feet 11 inches. That is a big baby. Congratulations. You come up here and get this. You will see I am not kidding you.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a former member of the House, Anthony Colaizzo. There he is, right here, to the left of the Chair, from Washington County. He is here with

Commissioner John Bevec and Eric Mark, chairman of the – I am not sure I can read this – chairman of the Canonsburg Redevelopment Project. They are here as the guests of Representative Tim Solobay and everyone else that has ever known this man. He is the guest of all of us.

The Chair is also pleased to welcome to the hall of the House today Mr. and Mrs. Tom Speelman and Mr. Jack Speelman, who are the guests of Representatives Markosek and Costa. They are seated in the gallery. Would these guests rise.

We are pleased to welcome to the hall of the House today a guest page of Representative Edward Krebs. He lives in Mr. Krebs' district. His name is Alexander Gates. He is in the 10th grade at Palmyra High School. Would the gentleman please rise. Mr. Gates.

PROFESSIONAL TRUCK DRIVERS PRESENTED

The SPEAKER. Mr. Geist.

The House will please come to order. Conferences on the floor, please break up; conferences on the floor, please break up, along the aisle, center aisle.

Mr. Geist.

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

Today I have the distinct honor to present and officially recognize three Pennsylvania truck drivers who distinguished themselves at the 65th National Truck Driving Championships held in Milwaukee. The American Trucking Association holds the annual event. Nearly 350 professional truck drivers from across the nation competed, with a combined 432 million accident-free miles behind the wheel.

The three men are credits to their profession, and Pennsylvania is very proud of them. The 2002 national grand champion is James March of Lancaster, and the 2002 Pennsylvania grand champion and runner-up in the national sleeper berth class is William Adams of Willow Hill, and the 2002 tanker class national champion, Dale Knox of West Springfield. We are presenting them with House citations today in recognition of their achievements. They are in the seats at the front of the hall of the House, but they are not; they are standing behind me now, and we are about to give them their citations.

Their proficiency behind the wheel, their safe driving records, and their dedication to truck driving make them models for every trucker who steers the big rigs across the highways of this Commonwealth and the nation.

The drivers' families and employers and representatives of the Pennsylvania Motor Truck Association are located in the seats at the rear of the House, and I would ask you to give them a round of applause, and stand up, folks.

Mr. Speaker, Pennsylvania has a winning tradition at the national championships with an unprecedented 13 team titles. Our eight-man Pennsylvania team finished third out of 50 teams this year, and these three gentlemen certainly led the way. Pennsylvania has a long list of grand champions, four in the last 10 years. PA also holds more first-place team trophies than any other State with 13.

This achievement has to rank as the highlight of Mr. March's career. He is the fourth Pennsylvanian to capture that top national honor in the past decade. During his reign as national grand champion, he will be an ambassador for the truck driving

industry, setting the standard for safety. Mr. March has driven for Yellow Transportation for 18 of his 20 years behind the wheel and he has been accident-free for 15. I wish I could say that.

Mr. Knox, who has driven for Con-Way Central Express of Erie for 15 of his 26 years behind the wheel, won the national title in tanker class. Knox has not had an accident in 24 years.

Mr. Adams, who has driven for Overnite Transportation in Mechanicsburg for the past 3 years, placed second in nationals in the sleeper berth class after capturing the Pennsylvania grand championship. Adams has been a truck driver for 21 years and has not had an accident in 19 years.

I congratulate these national champions and commend them for their driving records. Responsible, competent truck drivers are a key factor in keeping our highways safe and keeping commerce on the move, and at this time I would like to present the citations.

First of all, I would like to do James March, Dale Knox, and finally, William Adams, and I would ask you to give them all a really big round of applause. That is quite an achievement.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—199

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

Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rublely	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	Ryan,
Eachus	Maher	Scavello	Speaker
Egolf			

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Brooks	Horsey	Myers	Nickol
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LEAVES ADDED—3

Belfanti	Preston	Washington
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LEAVES CANCELED—1

Brooks

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2842, PN 4303**, entitled:

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.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 2842 be recommitted to the Committee on Appropriations.

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

RESOLUTION

Ms. JOSEPHS called up **HR 494, PN 3523**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Brooks	Horsey	Myers	Nickol
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

RESOLUTIONS PURSUANT TO RULE 35

Mr. CALTAGIRONE called up HR 677, PN 4374, entitled:

A Resolution honoring the firefighters of the City of Reading, Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Table listing names of members who voted 'YEAS' for Resolution HR 677, PN 4374. Includes names like Adolph, Allen, Argall, etc.

NAYS-0

NOT VOTING-0

EXCUSED-4

Table listing names of members who were excused: Brooks, Horsey, Myers, Nickol.

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

Mrs. TAYLOR called up HR 678, PN 4375, entitled:

A Resolution designating the week of October 13 through 19, 2002, as "Pennsylvania Brachial Plexus Injury Awareness Week."

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Table listing names of members who voted 'YEAS' for Resolution HR 678, PN 4375. Includes names like Adolph, Allen, Argall, etc.

NAYS-0

NOT VOTING—0

EXCUSED—4

Brooks Horsey Myers Nickol

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

* * *

Mrs. TAYLOR called up **HR 679, PN 4376**, entitled:

A Resolution urging the Governor to proclaim October 9, 2002, as “Emergency Nurses Day” in Pennsylvania; and urging all citizens of this Commonwealth to join in its observance.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	Ryan,
Eachus	Maher	Scavello	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Brooks Horsey Myers Nickol

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

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Mrs. TAYLOR called up **HR 680, PN 4377**, entitled:

A Resolution designating the week of November 3 through 9, 2002, as “Adult Day Services Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus	Maher	Scavello	
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Brooks	Horsey	Myers	Nickol
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mrs. RUBLEY called up **HR 681, PN 4378**, entitled:

A Resolution designating the week of October 21 through 25, 2002, as “Radon Action Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong, G.	Feese	Mann	Semmel
Armstrong, T.	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayernik	Smith, S. H.
Bard	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Hutchinson	Pippy	Vance

Cohen, M.	Jadlowiec	Pistella	Veon
Colafella	James	Preston	Vitali
Coleman	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Wansacz
Corrigan	Keller	Reinard	Washington
Costa	Kenney	Rieger	Waters
Coy	Kirkland	Roberts	Watson
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	Ryan,
Donatucci	Mackereth	Saylor	Speaker
Eachus	Maher	Scavello	
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Brooks	Horsey	Myers	Nickol
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mrs. RUBLEY called up **HR 682, PN 4379**, entitled:

A Resolution proclaiming November 15, 2002, as “America Recycles Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Brooks	Horshey	Myers	Nickol
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. WOJNAROSKI called up **HR 683, PN 4380**, entitled:

A Resolution designating the month of November 2002 as "Alzheimer's Disease Awareness Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong, G.	Feese	Mann	Semmel
Armstrong, T.	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayernik	Smith, S. H.
Bard	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Brooks	Horshey	Myers	Nickol
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. FLICK. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the Labor Relations Committee in the rear of the House for the purposes of considering HB 2894.

The SPEAKER. There will be an immediate meeting of the Labor Relations Committee at the rear of the hall of the House on the declaration of the recess.

ANNOUNCEMENT BY MR. KENNEY

The SPEAKER. The gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

At the call of the recess, Mr. Speaker, I would like to call an organizational meeting of the select committee on HR 473.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kenney, calls a special meeting of the special committee immediately on the declaration of the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman, Mr. Argall, calls for an immediate meeting of the Appropriations Committee in the Appropriations conference room.

The Chair is about to declare a recess. However, the declaration will be delayed until the Chair receives reports of some of these committees that are going out to meet, but there will be no further votes until the end of the recess period.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the Republicans will caucus upon the call of the recess. We expect to return to the floor around 3:30.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

The Democrats will also caucus; 3:30 sounds like a reasonable goal.

The SPEAKER. The Chair thanks the gentleman.

The Chair is not banging the gavel in recess at this time. I am suggesting that those of you who have a committee meeting retire to the committee meetings. The balance of the members might start to move towards the caucus rooms.

The House will be at ease.

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

HB 2894, PN 4398

By Rep. FLICK

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

LABOR RELATIONS.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 2894 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

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

Mr. ARGALL. Mr. Speaker, I move that HB 2894 be committed to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECESS

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

Hearing none, this House will stand in recess until 3:30 p.m., unless extended or called back sooner by the Speaker.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING****LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of Representative Brooks from Montgomery County. She will be added to the master roll.

LEAVE OF ABSENCE

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

Mr. COY. Return to the order of business of leaves of absence—

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COY. —and request a leave of absence for the balance of today's session for the gentleman from Northumberland County, Mr. BELFANTI.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**COMMUNICATION FROM PENNSYLVANIA
HIGHER EDUCATION ASSISTANCE AGENCY**

The SPEAKER pro tempore. The Chair acknowledges receipt of the 2001-2002 annual report on the impact of the Commonwealth's PHEAA-administered grant and loan programs.

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

BILLS REREPORTED FROM COMMITTEE

HB 210, PN 4321 By Rep. ARGALL

An Act providing for certain rights of foster parents; and further providing for duties of county agencies and foster family care agencies.

APPROPRIATIONS.

HB 572, PN 4404 (Amended) By Rep. ARGALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, recognizing American Sign Language courses as satisfying foreign language requirements imposed for high school graduation.

APPROPRIATIONS.

HB 1298, PN 4291 By Rep. ARGALL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the appointment of a single collector of taxes; and making a repeal.

APPROPRIATIONS.

HB 1954, PN 3882 By Rep. ARGALL

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

APPROPRIATIONS.

HB 2127, PN 2839 By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for dissemination of criminal history record information.

APPROPRIATIONS.

HB 2196, PN 4405 (Amended) By Rep. ARGALL

An Act providing for education for parents on what constitutes shaken baby syndrome and the physical impairments that can result from shaken baby syndrome; establishing the Shaken Baby Syndrome Education and Prevention Program; and providing for an appropriation.

APPROPRIATIONS.

HB 2273, PN 4406 (Amended) By Rep. ARGALL

An Act establishing the People Improving Lots of Lives for Pennsylvania's Health Grant Program.

APPROPRIATIONS.

HB 2350, PN 3262 By Rep. ARGALL

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

APPROPRIATIONS.

HB 2377, PN 3337 By Rep. ARGALL

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

APPROPRIATIONS.

HB 2451, PN 3488 By Rep. ARGALL

An Act providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation, contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; imposing powers and duties on the Department of General Services; and making appropriations.

APPROPRIATIONS.

HB 2682, PN 4367 By Rep. ARGALL

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

APPROPRIATIONS.

HB 2725, PN 4368 By Rep. ARGALL

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.

APPROPRIATIONS.

HB 2768, PN 4148 By Rep. ARGALL

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for removal permits, transfer of ownership certificates and tax lien certificates; and imposing a penalty.

APPROPRIATIONS.

HB 2769, PN 4149

By Rep. ARGALL

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for removal and transfer of ownership certificates and for removal permits; providing for lien certificate; and imposing a penalty.

APPROPRIATIONS.

HB 2780, PN 4407 (Amended)

By Rep. ARGALL

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.

APPROPRIATIONS.

HB 2842, PN 4303

By Rep. ARGALL

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.

APPROPRIATIONS.

HB 2858, PN 4327

By Rep. ARGALL

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

APPROPRIATIONS.

HB 2894, PN 4398

By Rep. ARGALL

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

APPROPRIATIONS.

SB 612, PN 2228

By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the dissemination of criminal history record information to noncriminal justice agencies and individuals.

APPROPRIATIONS.

RULES COMMITTEE MEETING

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

RESOLUTION REPORTED FROM COMMITTEE

HR 661, PN 4296

By Rep. PERZEL

A Resolution directing the Commonwealth's Public Employee Retirement Commission to study the implementation of a Statewide retirement system for volunteer firefighters.

RULES.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1448, PN 1720**, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

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

NAYS-2

Josephs	Melio
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NOT VOTING-0

EXCUSED-4

Belfanti	Horsey	Myers	Nickol
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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 B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2350, PN 3262**, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Belfanti	Horsey	Myers	Nickol
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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

RULES SUSPENDED

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

Mr. BOYES. Madam Speaker, I move that the rules of the House be suspended in order to offer HR 661, PN 4296.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

RESOLUTION

Mr. BOYES called up **HR 661, PN 4296**, entitled:

A Resolution directing the Commonwealth's Public Employee Retirement Commission to study the implementation of a Statewide retirement system for volunteer firefighters.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti Horsey Myers Nickol

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 612, PN 2228**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the dissemination of criminal history record information to noncriminal justice agencies and individuals.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS—199

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

Cohen, L. I.	Hutchinson	Pippy	Vance
Cohen, M.	Jadlowiec	Pistella	Veon
Colafella	James	Preston	Vitali
Coleman	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Wansacz
Corrigan	Keller	Reinard	Washington
Costa	Kenney	Rieger	Waters
Coy	Kirkland	Roberts	Watson
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	Ryan,
Eachus	Maher	Scavello	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti Horsey Myers Nickol

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 138, PN 2263**, entitled:

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.

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

Mr. **HANNA** offered the following amendment No. **A4731**:

Amend Title, page 1, line 3, by removing the period after “jurors” and inserting

; and further providing for declaration of policy regarding child victims and witnesses.

Amend Bill, page 5, by inserting between lines 8 and 9

Section 4. Section 5981 of Title 42 is amended to read:
§ 5981. Declaration of policy.

In order to promote the best interests of the children of this Commonwealth, especially those children who are material witnesses to or victims of crimes, and in order to implement the constitutional amendment adopted on November 7, 1995, the General Assembly declares its intent, in this subchapter, to provide these children, where necessity is shown, procedures which will protect them during their

involvement with the criminal justice system. The General Assembly urges the news media to use significant restraint and caution in revealing the identity or address of children who are victims of or witnesses to crimes[.] or other information that would reveal the name or address of the child victim or witness.

Amend Sec. 4, page 5, line 9, by striking out “4” and inserting
5

Amend Sec. 5, page 5, line 12, by striking out “5” and inserting
6

Amend Sec. 5, page 5, line 17, by striking out “4” and inserting
5

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti Horsey Myers Nickol

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. GANNON offered the following amendment No. **A4734:**

Amend Title, page 1, lines 2 and 3, by striking out “providing for VENUE AND” in line 2, all of line 3 and inserting further providing for original jurisdiction and venue of courts of common pleas, for expenses for investigating grand juries and trials and for compensation and travel allowance for jurors; providing for venue in medical professional liability actions; and further providing for registration procedures and applicability, for sentencing court information and for duties of the Pennsylvania State Police.

Amend Bill, page 1, lines 8 through 17; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 19, by striking out all of said lines on said pages and inserting

Section 1. Sections 931(c) and 4553(b) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 931. Original jurisdiction and venue.

(c) Venue and process.—Except as provided by section 5101.1 (relating to venue in medical professional liability actions) and Subchapter B of Chapter 85 (relating to actions against Commonwealth parties), the venue of a court of common pleas concerning matters over which jurisdiction is conferred by this section shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the judicial district to the extent prescribed by general rule. Except as otherwise prescribed by general rule, in a proceeding to enforce an order of a government agency the process of the court shall extend throughout this Commonwealth.

§ 4553. Expenses of investigating grand juries and trials resulting therefrom.

(b) Multicounty.—The expenses of any multicounty investigating grand jury shall be borne by the Commonwealth.

(1) Multicounty investigating grand jurors shall be compensated at the rate of \$40 for each day that they report for service. Jurors shall be paid a travel allowance at the rate that an employee of the Office of Attorney General on official business would be reimbursed. Jurors shall receive payment of per diem meal expenses in the amounts of \$6 for breakfast, \$10 for lunch and \$25 for dinner for any day or portion thereof that the person is serving as a juror. Only those persons who are required, because of the distance from their residence, to obtain overnight accommodations at the site of the multicounty investigating grand jury shall receive payment of a per diem for breakfast and dinner.

(2) [In addition, the] The costs and expenses resulting from any trial of a person against whom a presentment has been issued by a multicounty investigating grand jury shall be borne by the Commonwealth. Costs and expenses under this subsection include, but are not limited to, all reasonable costs incurred by the county for the services of the courts, the trial jury, the sheriff, the clerk of courts, the county prison, the district attorney and

any public defender appointed by the court, and related costs and expenses incurred by the county in the course of the trial.

(3) Counties shall be reimbursed from the General Fund of the Commonwealth upon application to the State Treasurer through the Office of Attorney General pursuant to procedures prescribed by that office.

Section 2. Section 4561 of Title 42 is amended by adding a subsection to read:

§ 4561. Compensation of and travel allowance for jurors.

* * *

(c) Definition.—As used in this section, the term “jurors” does not apply to those persons summoned to serve on a multicounty investigating grand jury who are reimbursed under section 4553(b) (relating to expenses of investigating grand juries and trials resulting therefrom).

Section 3. Title 42 is amended by adding a section to read:

§ 5101.1. Venue in medical professional liability actions.

(a) Declaration of policy.—In accordance with section 514(a) of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, and as a matter of public policy, the General Assembly further declares the need to change the venue requirements for medical professional liability actions.

(b) General rule.—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

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

“Birth center.” An entity licensed as a birth center under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

“Health care provider.” A primary health care center or a person, including a corporation, university or other educational institution licensed or approved by the Commonwealth to provide health care or professional medical services as a physician, a certified nurse midwife, a podiatrist, hospital, nursing home, birth center and, except as to section 711(a) of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, an officer, employee or agent of any of them acting in the course and scope of employment.

“Hospital.” An entity licensed as a hospital under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

“Medical professional liability action.” Any proceeding in which a medical professional liability claim is asserted, including an action in a court of law or an arbitration proceeding.

“Medical professional liability claim.” Any claim seeking the recovery of damages or loss from a health care provider arising out of any tort or breach of contract causing injury or death resulting from the furnishing of health care services which were or should have been provided.

“Nursing home.” An entity licensed as a nursing home under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

“Primary health care center.” A community-based nonprofit corporation meeting standards prescribed by the Department of Health which provides preventive, diagnostic, therapeutic and basic emergency health care by licensed practitioners who are employees of the corporation or under contract to the corporation.

Section 4. Sections 9795.2(a) and (c), 9795.3 and 9799.1(4) of Title 42 are amended to read:

§ 9795.2. Registration procedures and applicability.

(a) Registration.—

(1) Offenders and sexually violent predators shall be required to register [all current residences or intended residences] with the Pennsylvania State Police upon release from

incarceration, upon parole from a State or county correctional institution or upon the commencement of a sentence of intermediate punishment or probation. For purposes of registration, offenders and sexually violent predators shall provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment, and all information concerning current or intended enrollment as a student.

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within ten days of [a change of residence.];

(i) Any change of residence or establishment of an additional residence or residences.

(ii) Any change of employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year, or termination of employment.

(iii) Any change of institution or location at which the person is enrolled as a student, or termination of enrollment.

(iv) Becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.

(2.1) Registration with a new law enforcement agency shall occur no later than ten days after establishing residence in another state.

(3) The ten-year registration period required in section 9795.1(a) (relating to registration) shall be tolled when an offender is recommitted for a parole violation or sentenced to an additional term of imprisonment. In such cases, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police of the admission of the offender.

(4) This paragraph shall apply to all offenders and sexually violent predators:

(i) Where the offender or sexually violent predator was granted parole by the Pennsylvania Board of Probation and Parole or the court or is sentenced to probation or intermediate punishment, the board or county office of probation and parole shall collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. The Department of Corrections or county correctional facility shall not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that it has received the registration information. Where the offender or sexually violent predator is scheduled to be released from a State correctional facility or county correctional facility because of the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the offender or sexually violent predator no later than ten days prior to the maximum expiration date. The registration information shall be forwarded to the Pennsylvania State Police.

(ii) Where the offender or sexually violent predator scheduled to be released from a State correctional facility or county correctional facility due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police or police department with jurisdiction over the facility of the failure to provide registration information and of the expected date, time and location of the release of the offender or sexually violent predator.

* * *

(c) Registration information to local police.—The Pennsylvania State Police shall provide the information obtained under this section and sections 9795.3 (relating to sentencing court information) and 9796 (relating to verification of residence) to the chief law enforcement [officer of the police department municipality] officers of the police departments of the municipalities in which the individual will reside, be employed or enrolled as a student. In addition, the Pennsylvania State Police shall provide this officer with the address at which the individual will reside, be employed or enrolled as a student following his release from incarceration, parole or probation.

* * *

§ 9795.3. Sentencing court information.

The sentencing court shall inform offenders and sexually violent predators at the time of sentencing of the provisions of this subchapter. The court shall:

(1) Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification as required in section 9796(a) (relating to verification of residence).

(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days if the offender or sexually violent predator changes residence[,] or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year or terminates employment, or changes institution or location at which the person is enrolled as a student or terminates enrollment.

(2.1) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days of becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.

(3) Specifically inform the offender or sexually violent predator of the duty to register with a new law enforcement agency if the offender or sexually violent predator moves to another state no later than ten days after establishing residence in another state.

(4) Order the fingerprints and photograph of the offender or sexually violent predator to be provided to the Pennsylvania State Police upon sentencing.

(5) Specifically inform the offender or sexually violent predator of the duty to register with the appropriate authorities in any state in which the offender or sexually violent predator is employed, carries on a vocation or is a student if the state requires such registration.

(6) Require the offender or sexually violent predator to read and sign a form stating that the duty to register under this subchapter has been explained. Where the offender or sexually violent predator is incapable of reading, the court shall certify the duty to register was explained to the offender or sexually violent predator and the offender or sexually violent predator indicated an understanding of the duty.

§ 9799.1. Duties of Pennsylvania State Police.

The Pennsylvania State Police shall:

* * *

(4) Notify, within 72 hours of receiving the offender's or the sexually violent predator's registration, the chief law enforcement [officer of the police department having primary jurisdiction of the municipality] officers of the police departments having primary jurisdiction of the municipalities in which an offender or sexually violent predator resides, is employed or enrolled as a student of the fact that the offender or sexually violent predator has been registered with the Pennsylvania State Police pursuant to sections 9795.2 (relating to

registration procedures and applicability) and 9796 (relating to verification of residence).

* * *

Section 5. The amendment or addition of 42 Pa.C.S §§ 931(c) and 5101.1 shall apply to all medical professional liability actions filed on or after the effective date of this section.

Section 6. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment of 42 Pa.C.S. § 4553(b).

(ii) This section.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. GANNON. Thank you, Madam Speaker.

Madam Speaker, this amendment actually is the bill the way it currently is drafted with one addition, and that is, the addition deals with a Federal requirement for Pennsylvania to meet the requirements of Megan's Law so that we do have an effective Megan's Law in Pennsylvania, and as we all know, that deals with violent sexual predators. This additional language will bring Pennsylvania into line with the Federal requirement.

The rest of the language of the amendment—

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The gentleman will yield.

Mr. GANNON. —is consistent—

The SPEAKER. The gentleman will yield.

Members, please take your conferences off the floor. In the brief moments that Mr. Gannon was debating, I had signals from two or three of the members that, cannot hear, cannot hear, cannot hear. So, please, if you are going to confer, we have space out back and on the sides for you to do that. Staff people, I would ask you to be particularly conscious of interrupting debate.

Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

As I stated before the interruption, this brings Pennsylvania into Federal requirements with respect to Megan's Law. The bill also contains the existing language in the bill which deals with the payment of investigating grand jurors and, of course, probably the most significant portion of the proposal, and that is my amendment to stop jury shopping in Pennsylvania and provide that medical malpractice cases will be tried only in the county where the malpractice or the cause of action arose.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. On the question, Mr. Hanna.

Mr. HANNA. Mr. Speaker, in reviewing the Gannon amendment, I was curious as to what the status of my amendment that was just adopted will be if the Gannon amendment is adopted.

The SPEAKER. Your amendment would be all right.

Mr. HANNA. Thank you, Mr. Speaker.

The SPEAKER. On the question of the Gannon amendment, Mr. DeWeese. I see no one else. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

One hundred and fifty years ago, in the middle of the 19th century, a cause of action such as the one being proffered in the amendment by Mr. Gannon would have taken place in a setting, and let us take a railroad, for example, because they were the dominant industry 150 years ago. If the railroad company was owned and operated and based out of Chicago and a drastic accident happened somewhere in the wilds of Nebraska, instead of the site of the trial being in the wilds of Nebraska, it was decided that it would be at the place where the company was based, and therefore, the trial would have taken place in Chicago. Now, in the mid 20th century some of our jurisprudential experts and men and women of progressive viewpoints decided that it would be appropriate for the place where the action had taken place to be the scene for the litigation. Therefore, those poor folks out in faraway Nebraska would not have to go to Chicago for the court hearing, and it would take place in Nebraska. The gentleman, Mr. Gannon, with his amendment, is trying to turn history upside down.

In the mid 1950s the idea that laypeople could go to court where the action had taken place, whether it would be medical or tort, was appropriate. It was a sup; it was a sup to the little guy. Well, the gentleman, Mr. Gannon, is trying to take a sup and make it the whole deal. He is not allowing by his legislation, Mr. Speaker, for the actions of the court to take place anywhere else other than where the action took place. So where the company is based, where the doctor is based, is inconsequential, according to the doctor. The second reason— Dr. Gannon, I meant; doctor of law.

The second reason I would like to argue against this measure is I think it intrinsically has an anti-Philadelphia base. I think at the core of this amendment, not that the gentleman has directly decided to do this, but I think axiomatically by the adoption of his amendment, many preeminent medical facilities within the city of Philadelphia may be inclined to migrate to the suburbs. I think it is very possible that he could vitiate the wonderfully talented and fecund medical base that Philadelphia is today, and I think that should be a measure of everyone's consideration when they vote "yea" or "nay" on the Gannon amendment.

So he is turning history upside down. He is, in my view, hurting potentially the vital medical nerve center that the city of Philadelphia is in or that the city of Philadelphia represents. And I think this amendment, although crafted for a worthy cause, falls far short of the program that we need to institute, and I think that the gentleman's unwillingness to compromise at all with any language, with any amendatory language, weakens his case.

I will defer to the whip and a few other people that would like to debate the amendment, but I would vote in the negative, and I thank the Speaker.

The SPEAKER. The Chair thanks the gentleman.

Is there anyone else asking— Mr. Veon, I am sorry. You are recognized.

Are there others to be placed on this list? Mr. Cohen.

Mr. Cohen. The gentleman, Mr. Veon, yields to Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, right now under current law the medical malpractice insurance system is divided into five zones in Pennsylvania. There are only five alternative geographical

rating systems. Under the Gannon amendment, this is probably going to lead to us moving in the direction of 67 zones, one for each county as county experience becomes the key effect. The result of this will be to make the medical malpractice insurance system even more confusing than it is now. As Representative DeWeese said, it will certainly hurt the city of Philadelphia. It will hurt any area of the State of Pennsylvania where jurors over time are found more likely to support plaintiffs in the surrounding areas.

It is highly an arbitrary decision where medical facilities or doctors' offices are located. It ought not to be the sole determinant as to how much money somebody can recover is the precise geographical location of a medical office.

The result of this will be a further fragmentation of medical services in the Commonwealth. It will have numerous adverse effects. I join Mr. DeWeese in urging a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would also join with the gentleman, Mr. DeWeese, the Democratic leader, in strongly opposing the Gannon amendment.

The SPEAKER. The gentleman will yield, please.

Conferences on the floor, please break up. The conference in the aisle, please break up.

Mr. Veon. I am sorry.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly oppose the Gannon amendment.

Mr. Speaker, I think it is fair to say that every member here on the floor of the House is well aware of both the politics and the policy that are at play here on this issue of medical malpractice, especially 1 month from an election, and, Mr. Speaker, I would submit that the people of Pennsylvania also understand both the politics and the policy that are at play here 1 month from the election. I am very disappointed that the Republicans in the House here, Mr. Speaker, did not give the Democrats an opportunity to offer some thoughtful, reasonable alternatives to the Gannon amendment.

Mr. Speaker, I made the case before that the gentleman, Mr. Gannon, in his amendment here today has simply ignored the venue commission that this very House and State Senate in the bill we passed just a few months ago, that very venue commission that we asked, based on their expertise, based on the time and effort that they put into determining what made sense for a change in the venue law in the State of Pennsylvania, and the gentleman, Mr. Gannon, comes to the floor of the House today ignoring every bit of advice, every bit of suggestion, by the very venue commission that we put into place.

Mr. Speaker, I am very disappointed, again, that the Republicans here did not even give the Democrats and some well-meaning Republicans an opportunity to offer some other alternatives. Mr. Speaker, those alternatives could have been exactly what the venue commission suggested to the State legislature.

And, Mr. Speaker, I oppose this amendment also because, frankly, it will not work. The gentleman here has put in place, and I think the gentleman from Philadelphia put it very well, in my judgment, this is an amendment that will make medical

malpractice in Pennsylvania worse, not better. Let us just take a couple of scenarios if the gentleman, Mr. Gannon's amendment were to be put into place as law in the State of Pennsylvania.

You are a doctor from Montgomery County today, from Delaware County today, and you have a patient, and you send that patient to the city of Philadelphia to one of the great hospitals in the city of Philadelphia, and under today's law, if malpractice were to occur or if malpractice were to be alleged, that suit could take place in Montgomery County or in the city of Philadelphia. If the gentleman, Mr. Gannon's amendment were to pass and you are a doctor in Montgomery County, you are a doctor in Delaware, and you send that same patient to the same great hospital in the city of Philadelphia for care in that facility as you always have, if the gentleman, Mr. Gannon's amendment were to pass, the only place where the suit could take place would be in the city of Philadelphia. That seems to be counterproductive to some of the arguments that the gentleman made here on the floor.

Another scenario. You are a patient in Elk County and your doctor is located in Elk County, and today that doctor sends you to the city of Philadelphia because your ailment is a particular ailment that requires the specialty of a big-city hospital in the city of Philadelphia – it happens routinely throughout Pennsylvania today – and that doctor sends you to the city of Philadelphia to be cared for in that hospital in Philadelphia. You live in Elk County; the doctor resides in Elk County. Under this gentleman's amendment, if it were to pass today, the only place you could sue in the future for medical malpractice would be in the city of Philadelphia. So the gentleman who lives in Elk County and the doctor in Elk County, the only place the suit could take place is in the city of Philadelphia. Again, it seems to me to be counterproductive to some of the arguments made by the gentleman for his amendment.

Mr. Speaker, this is another attempt – and I understand the attempt – to do anything, to pass anything, in the State legislature. It does not matter if it will work, it does not matter if it makes sense, as long as it is something that passes the State legislature that we can say improves medical malpractice.

I made the case here 3 or 4 months ago that the bill we passed then would not solve the medical malpractice insurance rate crisis in Pennsylvania, and we heard many members of the Assembly say, yes, it would, and we need to pass this bill because the crisis is real and they need rate relief. We are here 4 months later with the same crisis with no rate relief. But we have another bill here today, Mr. Speaker, in the Gannon amendment. It does not matter if it works, does not matter if it makes sense: throw it against the wall and hope for the best.

Mr. Speaker, I also want to oppose this amendment because it is clearly unconstitutional. And, Mr. Speaker, I know that many members are going to be able to go home and say, we solved the medical malpractice crisis; we took another step in the right direction; we passed the Gannon amendment, and yet I think there are many members here today who are well aware that the courts in this State of Pennsylvania have always said that it is their purview to deal with the issue of venue. If you want to change that, and there are reasonable and thoughtful people who say that that should be changed, that it should not be the courts who make that determination, that may be so, but let us have that debate here on the floor of the House.

Amend the Constitution. There cannot be a lawyer in this group who believes that the State Supreme Court is going to allow this General Assembly to take what has historically for over 200 years been the right of the courts in the State of Pennsylvania. I do not think there is a member here who, bottom line, believes that is going to happen. Mr. Speaker, this will be ruled unconstitutional so fast, so quickly, we will be back here having the same debate, same discussion, different time and different day.

Mr. Speaker, for those and many other reasons, this amendment will not solve the medical malpractice crisis in the State of Pennsylvania. It is the wrong approach. We should have taken a thoughtful, reasonable approach. We had four very good alternatives proposed by an expert venue commission whom we asked to do the job, and yet not one of those alternatives will be offered here on the floor of the House today because the Republicans said we cannot offer them. It is the wrong way to go about this. This is a serious problem. It is a serious issue. Many members here want to solve this crisis, want to solve this problem. This will not do it.

Vote against the Gannon amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese, do you— Waive. Any further?

Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would be remiss if I did not dwell for a moment on the other important part of this amendment, and that is the provisions that deal with Megan's Law. Those amendments will bring us into compliance with Federal requirements. Now, if we did not do that, we would lose valuable Federal grant dollars for our law enforcement, which is used for technology purposes to keep our law enforcement on the leading edge in fighting crime.

But just to highlight a few of the important elements of that part of the amendment. It now requires that a sexually violent predator must give job-change notification. A sexually violent predator—

The SPEAKER. The gentleman will yield.

Please. The conference on the side aisle, please. Sergeant at Arms, keep the area in the rear of the House clear, please.

Mr. Gannon.

Mr. GANNON. A sexually violent predator is now going to have to give prompt notification of change of address. A sexually violent predator is now going to have to give prompt notification when he changes a school or when he changes a job or enrolls in a school. These are very important provisions to keep track of these people who are a potential threat to the young and the innocent in our society. So I think that is a very, very important part of this amendment, although the other speakers tended to dwell on that portion that perhaps is the most controversial.

Mr. Speaker, I have been consistent from day one in my criticism of the result of the case on appeal that brought us to this day, and that was where the court allowed a case to be heard in the jurisdiction where the defendant, to quote Judge Michael Eakin in his dissenting memorandum, the only affiliation was that they had a "registered agent for service of process." The nexus between that Philadelphia location and Berks and Dauphin Counties was totally irrelevant to the cause of action. This is judge-made law.

The venue commission studied this issue long and hard, and essentially what the venue commission did was paved the road so that the legislature could take action on this important proposal to move Pennsylvania in the right direction to solve our medical malpractice insurance crisis. One hundred and fifty years ago we did not have that, Mr. Speaker, and that is why we need this change today, to bring things back into focus, to bring them into context, to level the playing field, if you will. This is an opportunity that we should not let pass to make this correction, not to deny any plaintiff the access to the courts which they rightfully have, not to deny a plaintiff the opportunity for a trial before a jury of his or her peers, but to provide that forum which is appropriate, and that forum is the forum where the cause of action arose and not another jurisdiction where the relationship is so tenuous that it is often difficult for the most reasonable person to see it.

So I would ask a “yes” vote on this amendment. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. On the question, Mr. Eachus.

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

The SPEAKER. The gentleman will state it.

Mr. EACHUS. Mr. Speaker, I would like to find out whether this amendment would be divisible, sir, divisible on page 3 between lines 21 and 22, deleting section 4. I ask that so that we can vote on the—

The SPEAKER. No, it would not be divisible at that point.

Mr. EACHUS. It is not?

The SPEAKER. No.

Mr. EACHUS. So this amendment is not divisible whatsoever?

The SPEAKER. Well, I am answering the question you asked me, and that is, is it divisible at section 4, and the answer is no.

Mr. EACHUS. Well—

The SPEAKER. Now, if you are asking for a carte blanche on the whole thing, you will have to give me a moment.

Mr. EACHUS. Well, may I ask another way then, sir. I think many members would like the opportunity to vote on the Megan’s Law piece of this amendment and the medical malpractice law piece, if the Parliamentarian could advise us.

The SPEAKER. The gentleman will yield for a moment.

It is not divisible.

Mr. EACHUS. Thank you, Mr. Speaker.

The SPEAKER. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to emphasize just a couple of very quick points, and it goes to the parliamentary point that the gentleman, Mr. Eachus, was making or the parliamentary question he was asking, that I think most members here are well aware that in addition to what in my judgment is a lousy amendment that includes language dealing with the change of venue that the gentleman, Mr. Gannon, has put forward, he also in this 1 month before the election was politically wise enough to wrap his language regarding venue around an extremely popular issue dealing with making sure that Megan’s Law is put into place appropriately here in the State of Pennsylvania, and I am certain, Mr. Speaker, that many members are aware of that.

I did want to emphasize that point. I wish the gentleman would have left his language to stand alone and that we could have, a week or a month before the election, had a good debate about fixing the medical malpractice crisis in Pennsylvania rather than what I think is certainly an issue that looks good 1 month before the election but will not solve anything. But he did wrap it around Megan’s Law. I wish we could have kept it separately; it is not separate, so I understand that many members will have to vote for this bill because of the very important issues dealing with Megan’s Law that are included in the gentleman’s amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, Ms. Josephs, on this question? Yes?

Ms. JOSEPHS. Thank you, Mr. Speaker.

As a member of the Judiciary Committee, I can testify that we meet very, very regularly. We kick out more bills, I think, than all of the other committees combined. If we are meeting tomorrow, we could do Megan’s Law in a bill tomorrow, no problem, and I would suggest that I will have an amendment for something tomorrow. For those of us who would like to vote on Megan’s Law before we go for election, we can do that.

I am a “no” on this, and I urge others to be a “no.” Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—180

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

Cruz	LaGrotta	Rooney	Wright, M.
Curry	Laughlin	Ross	Yewcic
Dailey	Lawless	Rubley	Youngblood
Daley	Lederer	Sainato	Yudichak
Dally	Leh	Samuelson	Zimmerman
DeLuca	Lescovitz	Santoni	Zug
DiGirolamo	Levdansky	Sather	
Diven	Lewis	Saylor	
Donatucci	Lynch	Scavello	Ryan,
Eachus	Mackereth		Speaker

NAYS—19

Bishop	James	Pallone	Walko
Cohen, M.	Josephs	Pistella	Washington
Dermody	Lucyk	Roebuck	Waters
DeWeese	Michlovic	Ruffing	Williams, J.
Evans, D.	Oliver	Veon	

NOT VOTING—0

EXCUSED—4

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

On the question recurring,

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

The SPEAKER. Mr. Veon, I have you marked down for four amendments. Are you intending to offer all four of them, and if so, would you give us the order that you wish them called up?

Mr. VEON. Mr. Speaker—

The SPEAKER. I was waiting for your— Mr. Veon, give us the order in which you wish to offer these amendments. The gentleman will yield. We are checking this.

(Conference held at Speaker's podium.)

The SPEAKER. Mr. Veon, after discussion with your staff person, the Parliamentarian, and the staff person for the Republican side, we have all pretty much agreed that your amendments are out of order.

Mr. VEON. Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Veon. The gentleman will please yield until we have order.

Conferences on the floor, please. Staff members, Republican staff members, please.

Mr. Veon. The conference in the vicinity of the gentleman, Mr. Veon, please break up. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, on final passage, since the bill here is in essence the Gannon amendment, I just want to make a couple of quick points, important points for me, for the record on the issue of constitutionality.

Mr. Speaker, let me say again that Article V, section 10(c), of the State Constitution grants the courts the power to prescribe rules governing practice, procedure, and conduct of the courts, and all statutes inconsistent with those rules are suspended. Mr. Speaker, this bill, the Gannon amendment, is and will be unconstitutional.

Mr. Speaker, this is an unconstitutional legislative intrusion into the Pennsylvania Supreme Court's rule-making authority, and it turns the principle of equal justice under the law on its head, because it creates a favored and special class of tort based solely on a connection with health care and purely for the purposes of political convenience. Mr. Speaker, this amendment and this bill are and will be unconstitutional.

Mr. Speaker, injury victims' opportunity for justice in the State of Pennsylvania should not depend upon the status of the wrongdoer but rather the nature of the injury. Any legislative action that would create a special venue rule for a medical malpractice action is clearly inconsistent with the State civil procedure and unconstitutional because it usurps the Supreme Court's rule-making authority. This bill is and will be unconstitutional.

And, Mr. Speaker, let me say, again on the issue of what doctors are paying for medical malpractice insurance in the State of Pennsylvania, that every member here, Democrat and Republican from every part of the State, is justifiably concerned about the rates that doctors are paying. There is not a member here who does not think it is an important issue, who does not think it is a critical issue, and there is not a member here who does not want to solve the problem. And, Mr. Speaker, as we know, what we debate here on the floor of this House is exactly how we solve that problem, and we have great differences of opinion on how we in fact bring rates down for doctors' malpractice insurance. That is a worthy goal. It is an important goal. It is a goal that is shared by every member, Democrat and Republican, all across this Commonwealth. What we do disagree on is how in fact we bring those rates down. What is the answer to the problem? What is the prescription? What is the solution to the problem?

And, Mr. Speaker, I have debated here aggressively that the Gannon amendment and now SB 138 on final passage, making these changes in venue, is unconstitutional and, even if it were constitutional, will not solve the problem of rates. We are going to pass another bill. Some members are going to go home and say we did something on medical malpractice insurance rates in the State of Pennsylvania on this day in Harrisburg, and, Mr. Speaker, the rates still will not go down.

So I think it is very important, Mr. Speaker, that if we are to in fact do something about rates, if we are going to do something about this crisis, if we are going to do something today and now about what doctors are paying for medical malpractice insurance, the costs to the doctors today in the State of Pennsylvania, if we are going to do something about that, Mr. Speaker, then what we need is a mandatory rate rollback on medical malpractice insurance in the State of

Pennsylvania. That is what should be in this bill. That is what we should try to accomplish. That is what would bring immediate relief to doctors across Pennsylvania.

MOTION TO SUSPEND RULES

Mr. VEON. To accomplish just that, Mr. Speaker, I want to move to suspend the rules for the purposes of offering amendment 4816, which would in fact roll back rates immediately, 20 percent, for every doctor in the State of Pennsylvania if we were to pass it today on the floor of the House. Let us give doctors immediate rate reduction, immediate rate relief. Let us pass a mandatory rate rollback for all medical malpractice insurance in the State of Pennsylvania.

I would like to move to suspend the rules for the purposes of offering that amendment here today, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time.

On the question recurring,

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

The SPEAKER. The question is on suspension of the rules.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the majority leader care to address this issue or— Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, we have never really discussed rate rollbacks. How you can roll back a rate without taking care of the underlying problems that created the rate structure itself is beyond me. There is nobody selling insurance, from what we are told by the doctors in our communities, to address this problem. That is why we are here now, Mr. Speaker.

So I am respectfully asking the members not to suspend the rules at this point in time so we can move on with the venue issue and get this resolved, get it to the Senate, and get it to the Governor's desk, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWeese, on this question?

Mr. DeWEESE. On suspension. Yes, sir.

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

Mr. DeWEESE. My honorable colleague from Philadelphia, the majority leader who just offered his observations, has had a change of perspective. When we debated automobile insurance reform, this chamber put an automatic rollback into the legislation. When this chamber in recent years debated workers' compensation reform, we put an automatic rollback into the legislation. Now we are debating medical malpractice, ostensible reform, and the gentleman from Beaver County has asked that we put in an automatic rollback. If it is good enough for automobiles, it is good enough for workers' comp, why is it not good enough for medical malpractice? It just makes sense.

Sometimes we do things that are comparatively complicated and esoteric in this chamber, and an automatic rollback is obvious, pellucidly clear, helping the little guy. I cannot believe that every Republican member of the House will not join with us in moving to suspend the rules so we can put an automatic 20-percent rollback. Many of the doctors who are caviling and carping about their medical malpractice insurance, and some of that carping and caviling and caterwauling is appropriate, and we have not been involved in the debate because you will not let us be involved in the debate, but this is one time we can cut to the quick. This chamber can make a difference today. We can send something to the Senate tomorrow. Pennsylvania's medical practitioners, our M.D.s (doctors of medicine), can have medical malpractice, and we can have a cut in insurance rates for our rank and file, for our constituents. This is an imperative vote; this is an important vote; this is a telling vote, and I would ask you, not only your wholesome, instinctual reactions should be favorable but your political reactions should be favorable.

The gentleman from Beaver, Mr. Veon, has asked for a suspension of the rules so we can at least have an amendment discussed and proffered and hopefully voted favorably upon. We are not asking you for much. We just want a suspension of the rules for a debate. How can you hold back on the chance for us to debate a 20-percent rollback in insurance rates for your doctors? If you vote against this, you are voting against your doctors, and I am for your doctors.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, one of my colleagues reminded me that this would be the wrong way to go because we would be subverting the committee structure itself, and we would not want to do that on the floor of this House. But that being said, Mr. Speaker, there is only one carrier left in the Commonwealth of Pennsylvania selling malpractice insurance. The medical malpractice insurance fund, the CAT Fund (Medical Professional Liability Catastrophe Loss Fund) that we sponsor, is \$3 billion in the hole as we speak, and most of the members in here know that. Maybe not the general public, but most of the members know that.

There is nobody selling the insurance. We are \$3 billion in the hole. My honorable colleagues from the other side of the aisle said what we are attempting here is unconstitutional. If that is true, I do not know how we are saving a dollar, and they want to do a rollback. Mr. Speaker, none of us here are running for Governor. We are not promising everybody everything for free. There is a real live insurance business out there that we need to protect.

I am asking the members to vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—92

Bard	Frankel	Mundy	Stairs
Bebko-Jones	Freeman	O'Brien	Steelman
Belardi	George	Oliver	Stetler
Bishop	Gruclera	Pallone	Sturla
Blaum	Gruitza	Petrarca	Surra
Buxton	Haluska	Petrone	Tangretti
Caltagirone	Harhai	Pistella	Thomas
Casorio	James	Preston	Tigue

Cawley	Josephs	Readshaw	Travaglio
Cohen, M.	Kirkland	Rieger	Trello
Colafiglia	LaGrotta	Roberts	Trich
Corrigan	Laughlin	Robinson	Veon
Costa	Lawless	Roebuck	Vitali
Coy	Lescovitz	Rooney	Walko
Cruz	Levdansky	Rubley	Wansacz
Curry	Lucyk	Ruffing	Washington
Daley	Manderino	Sainato	Waters
DeLuca	Mann	Samuelson	Williams, J.
Dermody	Markosek	Santoni	Wojnaroski
DeWeese	McCall	Scrimenti	Wright, G.
Donatucci	McGeehan	Shaner	Yewcic
Eachus	Melio	Solobay	Youngblood
Evans, D.	Michlovic	Staback	Yudichak

NAYS—107

Adolph	Egolf	Krebs	Ross
Allen	Evans, J.	Lederer	Sather
Argall	Fairchild	Leh	Saylor
Armstrong, G.	Feese	Lewis	Scavello
Armstrong, T.	Fichter	Lynch	Schroder
Baker, J.	Fleagle	Mackereth	Schuler
Baker, M.	Flick	Maher	Semmel
Barrar	Forcier	Maitland	Smith, B.
Bastian	Gabig	Major	Smith, S. H.
Benninghoff	Gannon	Marsico	Steil
Birmelin	Geist	Mayernik	Stern
Boyes	Godshall	McGill	Stevenson, R.
Brooks	Gordner	McIlhattan	Stevenson, T.
Browne	Habay	McIlhinney	Strittmatter
Bunt	Hanna	McNaughton	Taylor, E. Z.
Butkovitz	Harhart	Metcalfe	Taylor, J.
Cappelli	Harper	Micozzie	Tulli
Civera	Hasay	Miller, R.	Turzai
Clark	Hennessey	Miller, S.	Vance
Clymer	Herman	Nailor	Watson
Cohen, L. I.	Hershey	Perzel	Wilt
Coleman	Hess	Phillips	Wright, M.
Cornell	Hutchinson	Pickett	Zimmerman
Creighton	Jadlowiec	Pippy	Zug
Dailey	Kaiser	Raymond	
Dally	Keller	Reinard	Ryan,
DiGirolamo	Kenney	Rohrer	Speaker
Diven			

NOT VOTING—0

EXCUSED—4

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. STURLA. Thank you, Mr. Speaker.
Will the gentleman, Mr. Gannon, rise for a brief interrogation?

The SPEAKER. The gentleman indicates that he will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, are there any provisions in here that the legislation is severable in the event that a portion of it is found unconstitutional?

Mr. GANNON. Mr. Speaker, there is not any express language on severability.

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

If I could make a comment, please.

The SPEAKER. The gentleman is in order.

Mr. STURLA. Mr. Speaker, we heard a lot of rhetoric earlier about how this was really about Megan's Law, and we were also doing some medical malpractice stuff. However, the fact that there is not a severability clause in here means that what we have done is we have attached changes to Megan's Law which would allow us to reinstate that in the State of Pennsylvania and put a poison pill in it by attaching medical malpractice that by most accounts will be ruled unconstitutional. So I think what we need to do, while we can probably all vote for this and pass it on, we need to understand that it was constructed in such a way that will guarantee not only that the medical malpractice portion is found unconstitutional but that the Megan's Law portion is found unconstitutional, and that is really unfortunate that this vehicle was used in that way, which will defeat both of these issues.

So I would just caution members to understand when they go back home and tell their constituents what they have done, understand how it was constructed and what it probably actually will not do for either one of the issues. So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Gannon.

Mr. GANNON. If I may by way of further answer, Mr. Speaker, we have a statute in place that deals with the issue raised by the gentleman, so it is not necessary to put a severability clause in every single piece of legislation that we pass and hopefully get enacted into law. That is taken care of by our statute, which addresses the exact issue that the gentleman raised. So it is of no concern with respect to— His concern is taken care of already, Mr. Speaker, under current law.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who asks that Mr. PRESTON be placed on leave for the balance of the day.

CONSIDERATION OF SB 138 CONTINUED

The SPEAKER. On the question, Mr. DeWeese, do you want to speak again on this issue? On final passage? I had you marked down for final passage.

Mr. DeWEESE. Just for a couple minutes. Yes, sir.

The SPEAKER. The gentleman is in order.

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

I am going to vote in the negative. I think it is clear that the measure will pass. I have five reasons that I am going to attempt to thwart some of the momentum of this proposal.

One is pure tactics, and I doff my hat to the gentleman. His tactical maneuver to bring Megan’s Law into this arena will probably be victorious, although the gentlelady from Philadelphia, Ms. Josephs, has indicated correctly that the Judiciary Committee emits a river of proposals and Megan’s Law legislation could be attached to any one of them. So for us to be ensnared by this specious argumentation is certainly not necessary. We will acquiesce – I will not, but most of the chamber will – but I think it is a rather insidious methodology, and I want to bring that to the record.

Number two, if the gentleman, Mr. Gannon’s language is successful, I am convinced that it will have a deleterious effect on the city of Philadelphia and on the medical service providers therein. I think that some of those robust hospitals, some of those world-renowned settings, will potentially be compromised, and I think that there could very, very possibly be an outmigration of doctors, nurses, and hospital auxiliary units to the suburbs.

Number three, I think that this legislation is creating doctors as a special class, a special superclass, within the tort system, and I think that our constituents are being given a subclass alignment or assignment within this legislation. I think that doctors are being set aside from the rest of society, and I do not think that is appropriate.

Number four, the sheer method that we are exercising when this is adopted, the sheer legislation itself on its face, is a vote of no confidence in our court system – in our court system, a vote of no confidence – and I think that the gentleman from Beaver County has adumbrated why it will be ruled unconstitutional, and I think that most of you who have gone beyond the baccalaureate and received a legal education would intellectually, at least, concur with the gentleman that the Supreme Court very likely will throw this out. They have said that only lawyers and lobbyists who are lawyers and lawyers who are lobbyists will be controlled by their rules and regulations, and I think this is pretty much the same kind of situation, so I think it will be unconstitutional.

And number five – and this is just by way of anecdote – if I live in Greene County and I am going up to Tony DeLuca’s county, up in Allegheny County, and over into Bill Robinson’s area, to one of those fine hospitals, or Danny Frankel’s area, and I am going to have a leg amputated and the x ray was taken in Greene County, if Mr. Gannon’s proposal is adopted and becomes law, Mr. Speaker, I can only sue in Pittsburgh, Pennsylvania, where the leg was excised; I cannot sue where a more favorable jury might be ensconced in Greene County, where the errant x ray was taken.

It has been said from this microphone and several others that the gentleman’s legislation is going to cause more tumult and bafflement and vexation in the tort system relative to medical malpractice in subsequent months and in future years, and I think that is on target.

I think this bill is inadequate. I think it is politically motivated, although that is not a brandnew idea in this chamber. But I think as we rush toward the November election, this is a rush to judgment and it is bad judgment, and I think an

intellectual perspective on this issue would render a negative vote. I would ask for a negative vote, and I thank the Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

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

NAYS—12

Bishop	James	Ruffing	Washington
Cohen, M.	Josephs	Veon	Waters
DeWeese	Roebuck	Walko	Williams, J.

NOT VOTING—0

EXCUSED—5

Belfanti	Myers	Nickol	Preston
Horsey			

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.

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of this House. Sergeants at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania mourns the loss of the Honorable Alfred C. Alspach, a former member of the House who passed away on September 19, 2002, at the age of ninety; and

WHEREAS, Born in Chambersburg on February 9, 1912, Mr. Alspach was a graduate of Lancaster High School, Ursinus College and the University of Pennsylvania Law School and was admitted to the bar in 1937. The following year, he was elected to represent the citizens of the First District of Lancaster County in the House of Representatives of Pennsylvania and reelected in 1942. During that time, he was selected to be a member of the Cities of the Third Class Committee; the Judiciary General Committee; the Military Affairs Committee; the Public Utilities Committee; the Welfare Committee; and the Workmen’s Compensation Committee, of which he was Vice Chairman. He left the House to join the United States Navy in 1944, and upon his return to active law practice, became affiliated with the Lancaster County District Attorney’s office. In 1960, he was elected to serve as Lancaster County District Attorney. Upon leaving public office, he resumed his law practice and became the publisher of the Quarryville Sun and of the Christiana Ledger. Mr. Alspach was one of a group of local leaders who founded the Boys & Girls Club in 1939, and he served as a board member until the time of his passing. In 2000, the Boys Club & Girls Club purchased the Lancaster Neighborhood Center and renamed it the Alfred C. Alspach Community Center in recognition of Mr. Alspach’s commitment to the young people in the community. He also was a founding member of the Lancaster City Housing Authority and was a Director of the YMCA of Lancaster since 1955. An active member of the Church of the Apostles, United Church of Christ, as well as numerous civic and fraternal organizations, Mr. Alspach also found time to play the bassoon in the Lancaster Symphony Orchestra for more than forty years; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable Alfred C. Alspach, beloved family member, esteemed attorney and dedicated public servant; and extend heartfelt condolences to his wife, Janet B. Godfrey Alspach; sons, David E., Alfred C., Jr., George D. and James C.; daughter, Frances A. Wenner; stepson, Thomas F. Godfrey; stepdaughter, Kathleen Godfrey; fifteen grandchildren; and eight great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by Representatives Jere L. Strittmatter, Gibson C. Armstrong, Thomas E. Armstrong, Thomas C. Creighton, Arthur D. Hershey,

Jere W. Schuler, P. Michael Sturla and Leroy M. Zimmerman, be transmitted to Mrs. Janet B. Godfrey Alspach.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Alfred C. Alspach.)

The SPEAKER. The resolution has been unanimously adopted.

Sergeants at Arms will open the doors of the House.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Saylor, Gregory Smith, who is homeschooled and is in the 10th grade. Gregory, would you please stand up.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 572, PN 598**, entitled:

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.

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—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Myers	Nickol	Preston
Horsey			

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

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes Mr. Veon, who requests that the lady, Ms. WASHINGTON, be placed on leave for the balance of today's session. Without objection, the leave will be granted. The Chair hears none.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2644, PN 4127**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amending and adding provisions relating to the Thaddeus Stevens State College of Technology; making a repeal; and making editorial changes.

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

Mr. **LAWLESS** offered the following amendment No. **A4643**:

Amend Title, page 1, line 5, by inserting after "thereto," " further providing for the definition of "professional employe";

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. Section 1101 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended November 30, 1971 (P.L.546, No.144), is amended to read:

Section 1101. Definitions.—As used in this article,

(1) The term "professional employe" shall include those who are certificated as teachers, supervisors, supervising principals, principals, assistant principals, vice-principals, directors of vocational education, Junior Reserve Officer Training Corps (JROTC) instructors, dental hygienists, visiting teachers, home and school visitors, school counselors, child nutrition program specialists, school librarians, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists and school nurses.

(2) The term "substitute" shall mean any individual who has been employed to perform the duties of a regular professional employe during such period of time as the regular professional employe is absent on sabbatical leave or for other legal cause authorized and approved by the board of school directors or to perform the duties of a temporary professional employe who is absent.

(3) The term "temporary professional employe" shall mean any individual who has been employed to perform, for a limited time, the duties of a newly created position or of a regular professional employe whose services have been terminated by death, resignation, suspension or removal.

Section 2. Section 1926 of the act, amended October 25, 1967 (P.L.491, No.237), is amended to read:

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting 3

Amend Sec. 3, page 4, line 13, by striking out "3" and inserting 4

Amend Sec. 4, page 5, line 14, by striking out "4" and inserting 5

Amend Sec. 5, page 8, line 10, by striking out "5" and inserting 6

Amend Sec. 6, page 9, line 13, by striking out "6" and inserting 7

Amend Sec. 7, page 9, line 17, by striking out "7" and inserting 8

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

The following roll call was recorded:

YEAS-166

Adolph	Evans, D.	Manderino	Scrimenti
Allen	Evans, J.	Mann	Semmel
Argall	Fairchild	Markosek	Shaner
Baker, M.	Feese	Marsico	Smith, B.
Bard	Fichter	Mayernik	Smith, S. H.
Barrar	Flick	McCall	Solobay
Bebko-Jones	Forcier	McGeehan	Staback
Belardi	Frankel	McGill	Stairs
Benninghoff	Freeman	McIlhattan	Steelman
Birmelin	Gannon	McIlhinney	Steil
Bishop	Geist	McNaughton	Stetler
Blaum	George	Melio	Stevenson, R.
Boyes	Godshall	Metcalfe	Strittmatter
Brooks	Gordner	Michlovic	Sturla
Browne	Grucela	Micozzie	Surra
Bunt	Gruitza	Miller, S.	Tangretti
Butkovitz	Habay	Mundy	Taylor, E. Z.
Buxton	Haluska	O'Brien	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas
Cappelli	Harhai	Pallone	Tigue
Casorio	Harhart	Perzel	Travaglio
Cawley	Hasay	Petrarca	Trello
Civera	Hennessey	Petrone	Trich
Clymer	Hershey	Phillips	Tulli
Cohen, M.	Hess	Pippy	Veon
Colafella	Hutchinson	Pistella	Vitali
Corrigan	Jadlowiec	Raymond	Walko
Costa	James	Readshaw	Wansacz
Coy	Josephs	Reinard	Waters
Cruz	Kaiser	Rieger	Williams, J.
Curry	Keller	Roberts	Wilt
Dailey	Kenney	Robinson	Wojnaroski
Daley	Kirkland	Roebuck	Wright, G.
Dally	Krebs	Rohrer	Wright, M.
DeLuca	LaGrotta	Rooney	Yewcic
Dermody	Laughlin	Rubley	Youngblood
DeWeese	Lawless	Ruffing	Yudichak
DiGirolamo	Lederer	Sainato	Zimmerman
Diven	Leh	Samuelson	Zug
Donatucci	Lescovitz	Santoni	
Eachus	Levdansky	Schroder	Ryan,
Egolf	Lucyk	Schuler	Speaker

NAYS-31

Armstrong, G.	Creighton	Maher	Saylor
Armstrong, T.	Fleagle	Maitland	Scavello
Baker, J.	Gabig	Major	Stern
Bastian	Harper	Miller, R.	Stevenson, T.
Clark	Herman	Nailor	Turzai
Cohen, L. I.	Lewis	Pickett	Vance
Coleman	Lynch	Ross	Watson
Cornell	Mackereth	Sather	

NOT VOTING-0

EXCUSED-6

Belfanti	Myers	Preston	Washington
Horsley	Nickol		

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. HALUSKA offered the following amendment No. A4674:

Amend Title, page 1, line 5, by inserting after "thereto," providing for firefighter and emergency service training as creditable high school courses;

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1550. Firefighter and Emergency Service Training.—(a) Firefighter and emergency service training may be added to high school curricula as credit-earning courses.

(b) The courses may be made available only to students sixteen (16) years of age or older and may include:

(1) Training as a firefighter I from the National Board of Professional Qualifications.

(2) Training as an emergency medical technician by the Department of Health under the act of July 3, 1985 (P.L.164, No.45), known as the "Emergency Medical Services Act."

(c) If the school district adds firefighter and emergency service training as credit-earning courses, the school district shall provide transportation and supervision for firefighter and emergency service training that takes place off school grounds.

Section 2. Section 1926 of the act, amended October 25, 1967 (P.L.491, No.237), is amended to read:

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting 3

Amend Sec. 3, page 4, line 13, by striking out "3" and inserting 4

Amend Sec. 4, page 5, line 14, by striking out "4" and inserting 5

Amend Sec. 5, page 8, line 10, by striking out "5" and inserting 6

Amend Sec. 6, page 9, line 13, by striking out "6" and inserting 7

Amend Sec. 7, page 9, line 17, by striking out "7" and inserting 8

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

The following roll call was recorded:

YEAS-197

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

Cappelli	Harhart	Oliver	Tigue
Casorio	Harper	Pallone	Travaglio
Cawley	Hasay	Perzel	Trello
Civera	Hennessey	Petrarca	Trich
Clark	Herman	Petrone	Tulli
Clymer	Hershey	Phillips	Turzai
Cohen, L. I.	Hess	Pickett	Vance
Cohen, M.	Hutchinson	Pippy	Veon
Colafella	Jadlowiec	Pistella	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Waters
Costa	Keller	Rieger	Watson
Coy	Kenney	Roberts	Williams, J.
Creighton	Kirkland	Robinson	Wilt
Cruz	Krebs	Roebuck	Wojnaroski
Curry	LaGrotta	Rohrer	Wright, G.
Dailey	Laughlin	Rooney	Wright, M.
Daley	Lawless	Ross	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,
Eachus	Mackereth	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Myers	Preston	Washington
Horsy	Nickol		

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—197

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

Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	O'Brien	Thomas
Cappelli	Harhart	Oliver	Tigue
Casorio	Harper	Pallone	Travaglio
Cawley	Hasay	Perzel	Trello
Civera	Hennessey	Petrarca	Trich
Clark	Herman	Petrone	Tulli
Clymer	Hershey	Phillips	Turzai
Cohen, L. I.	Hess	Pickett	Vance
Cohen, M.	Hutchinson	Pippy	Veon
Colafella	Jadlowiec	Pistella	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Waters
Costa	Keller	Rieger	Watson
Coy	Kenney	Roberts	Williams, J.
Creighton	Kirkland	Robinson	Wilt
Cruz	Krebs	Roebuck	Wojnaroski
Curry	LaGrotta	Rohrer	Wright, G.
Dailey	Laughlin	Rooney	Wright, M.
Daley	Lawless	Ross	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,
Eachus	Mackereth	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Myers	Preston	Washington
Horsy	Nickol		

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 B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1954, PN 3882**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

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

NAYS—2

Fairchild	Phillips
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NOT VOTING—0

EXCUSED—6

Belfanti	Myers	Preston	Washington
Horsey	Nickol		

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

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

The SPEAKER. Are there any announcements in connection with the regular session? There are no more votes in the regular session. We are going to open the special session.

Does the majority leader or minority leader have any further business in the regular session?

VOTE CORRECTION

The SPEAKER. Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

I would like to correct a vote.

The SPEAKER. The gentleman is in order.

Mr. TIGUE. On amendment 4643 I should have been recorded in the negative.

Thank you, Mr. Speaker.

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

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. Anyone further?

Hearing none, the Chair recognizes the lady from Bucks, Mrs. Watson.

Mrs. WATSON. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 8, 2002, at 11 a.m., e.d.t., unless sooner recalled or extended by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:01 p.m., e.d.t., the House adjourned.