

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 13, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 22

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

PRAYER

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

Let us pray:

Heavenly Father, I come to You in Your mighty name, thanking You for our great Commonwealth. I thank You for the plan that You have given to our leaders by which to govern our Commonwealth and for the division of powers so that our destiny does not rest in the hands of one person.

In praying for those in authority, I therefore lift up the Pennsylvania House of Representatives to You, and I pray that by Your power, our legislative body would make laws that are just. Father, I ask You to give them wisdom to make decisions that would strengthen and prosper this great Commonwealth. I desire that they would make right decisions concerning the politics, the social welfare, and economics of the Commonwealth of Pennsylvania. I pray that You would cause our Representatives to be motivated more by Your hand than by partisan or personal concerns.

All these things I pray in our Heavenly Father's name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, April 12, 2004, will be postponed until printed.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 2511 By Representatives CASORIO, DeWEESE, BEBKO-JONES, BELARDI, BELFANTI, BISHOP, BROWNE, CAPPELLI, CORRIGAN, CRUZ, FREEMAN, FABRIZIO, GERGELY, HARHAI, HENNESSEY, HORSEY, JAMES, KIRKLAND, KOTIK, LAUGHLIN, LEACH,

LEDERER, McILHATTAN, PETRARCA, PRESTON, READSHAW, SCAVELLO, SOLOBAY, TANGRETTI, THOMAS, TIGUE, WANSACZ, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and PALLONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amending provisions relating to the neighborhood assistance tax credit program.

Referred to Committee on FINANCE, April 13, 2004.

No. 2512 By Representatives HERSHEY, DALEY, BAKER, BOYD, ARMSTRONG, BASTIAN, BUNT, CAPPELLI, CAUSER, CLYMER, CORRIGAN, DENLINGER, DeWEESE, EGOLF, FORCIER, GEIST, GEORGE, GILLESPIE, GINGRICH, HARPER, HARRIS, HERMAN, HESS, HICKERNELL, KOTIK, LEH, MAITLAND, MAJOR, McILHATTAN, MILLARD, R. MILLER, O'NEILL, PICKETT, REICHLEY, SAYLOR, SCAVELLO, SCHRODER, SCRIMENTI, SEMMEL, SHANER, B. SMITH, SOLOBAY, STERN, R. STEVENSON, E. Z. TAYLOR, TIGUE, TRUE, WILT, YOUNGBLOOD and ZUG

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

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 13, 2004.

No. 2513 By Representatives E. Z. TAYLOR, HENNESSEY, KILLION, BEBKO-JONES, BUNT, DALEY, DENLINGER, GOOD, GOODMAN, HARHAI, HORSEY, JAMES, LESCOVITZ, MAJOR, PHILLIPS, PISTELLA, REED, ROHRER, SOLOBAY, WATERS, YOUNGBLOOD and YUDICHAK

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on FINANCE, April 13, 2004.

No. 2514 By Representatives WOJNAROSKI, DAILEY, FABRIZIO, WALKO, BEBKO-JONES, COY, CRUZ, SAYLOR, BALDWIN, HALUSKA, TIGUE, SOLOBAY, McGEEHAN, CREIGHTON, EGOLF, DALEY, CORRIGAN, DeLUCA, GEIST, ROONEY, E. Z. TAYLOR, GRUCELA,

PISTELLA, REICHLEY, WASHINGTON, CRAHALLA, PALLONE and WANSACZ

An Act requiring the reporting of nursing misconduct to the Department of State; and providing for the establishment of a nursing data bank and for access to the data bank by health care facilities.

Referred to Committee on PROFESSIONAL LICENSURE, April 13, 2004.

No. 2515 By Representatives STERN, LEACH, SAYLOR, YOUNGBLOOD, HERMAN, RUBLEY, GEIST, JAMES, R. STEVENSON, HUTCHINSON, DALLY, S. MILLER, SATHER, CAPPELLI, BELFANTI, FABRIZIO, HENNESSEY, WASHINGTON, STURLA, DeLUCA, LAUGHLIN, REICHLEY, FLICK, CRAHALLA, HESS, E. Z. TAYLOR, PETRARCA, THOMAS, BROWNE, ROHRER, MYERS, HARHAI and DeWEESE

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing construction and exclusiveness of remedy.

Referred to Committee on JUDICIARY, April 13, 2004.

No. 2516 By Representatives WEBER, ADOLPH, ALLEN, ARMSTRONG, BAKER, BALDWIN, BARRAR, BELARDI, BOYD, BROWNE, CAPPELLI, S. E. CORNELL, CORRIGAN, CRAHALLA, CRUZ, EGOLF, GEIST, GILLESPIE, GOOD, GOODMAN, HARRIS, HERSHEY, HESS, HORSEY, KELLER, KILLION, LEH, MARSICO, McILHINNEY, MILLARD, O'NEILL, PICKETT, REICHLEY, SCHRODER, SOLOBAY, STEIL, E. Z. TAYLOR, TIGUE, TRUE, WALKO, WATSON, YOUNGBLOOD, YUDICHAK, TANGRETTI and S. MILLER

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

Referred to Committee on JUDICIARY, April 13, 2004.

No. 2517 By Representatives McCALL, CAWLEY, THOMAS, ALLEN, BEBKO-JONES, BELFANTI, BENNINGHOFF, BIANCUCCI, BOYD, BROWNE, BUNT, CLYMER, CORRIGAN, COSTA, CRUZ, CURRY, DALEY, DALLY, DONATUCCI, FABRIZIO, FLICK, GEIST, GEORGE, GERGELY, GOOD, GOODMAN, GRUCELA, HALUSKA, HARHAI, HERMAN, HERSHEY, HESS, KELLER, KIRKLAND, KOTIK, LAUGHLIN, LEACH, LEDERER, LEWIS, MANN, MELIO, MICOZZIE, OLIVER, O'NEILL, PALLONE, PAYNE, PETRARCA, PICKETT, PISTELLA, READSHAW, REICHLEY, RUFFING, SAINATO, SATHER, SCAVELLO, SEMMEL, SHANER, SOLOBAY, STABACK, SURRA, TANGRETTI, TIGUE, TRAVAGLIO, WALKO, WANSACZ, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing a criminal offense for World Wide Web publishers who refuse to remove or disable access to Internet sites that contain language or images that harass, stalk or threaten school officials.

Referred to Committee on JUDICIARY, April 13, 2004.

No. 2518 By Representatives GEORGE, ALLEN, McCALL, BELFANTI, GERGELY, LaGROTTA, LAUGHLIN, LEVDANSKY, ROONEY, SCAVELLO, STABACK, TIGUE, DALEY, FAIRCHILD, BEBKO-JONES and FABRIZIO

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for penalties.

Referred to Committee on LABOR RELATIONS, April 13, 2004.

No. 2519 By Representatives BIRMELIN, ARMSTRONG, BAKER, BENNINGHOFF, COLEMAN, DAILEY, DeLUCA, GEIST, HICKERNELL, LEH, MILLARD, RUBLEY, STERN, THOMAS, TIGUE, WATSON, WEBER, WILT, SATHER, S. MILLER, SOLOBAY and PISTELLA

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for denying employment and for existing or transferred employees; and providing for certificate of employability for certain applicants or employees and for powers and duties of the Bureau of Professional and Occupational Affairs.

Referred to Committee on CHILDREN AND YOUTH, April 13, 2004.

No. 2520 By Representatives BARD, HARHAI, NICKOL, STERN, LEWIS, BELFANTI, CAPPELLI, CASORIO, DENLINGER, DeWEESE, GEORGE, GERGELY, GOODMAN, HARRIS, HORSEY, LAUGHLIN, McCALL, SOLOBAY, THOMAS, YOUNGBLOOD, YUDICHAK, MARSICO and McILHATTAN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding and amending certain definitions; prohibiting creation of local government police employee retirement systems; providing for mandatory membership of local government police employees; revising general municipal pension system State aid; and providing for supplemental local government police benefit accumulation plans and for local government contributions and guarantees.

Referred to Committee on FINANCE, April 13, 2004.

No. 2560 By Representative ARGALL

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2004, to June 30, 2005, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2004, to June 30, 2005; to provide appropriations from the

Motor License Fund for the fiscal year July 1, 2004, to June 30, 2005, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

Referred to Committee on APPROPRIATIONS, April 13, 2004.

No. 2561 By Representative MUNDY

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Luzerne County Historical Society, certain lands and building situate in the Borough of Forty Fort, County of Luzerne, Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, April 13, 2004.

No. 2563 By Representatives METCALFE, ARMSTRONG, COLEMAN, CREIGHTON, HABAY, LEDERER, ROHRER, SATHER, STERN and THOMAS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the election of State Board of Education members; and making related repeals.

Referred to Committee on EDUCATION, April 13, 2004.

No. 2564 By Representatives LEACH, BUXTON, CORRIGAN, CURRY, FABRIZIO, GEORGE, GERGELY, GOODMAN, LaGROTTA, LAUGHLIN, LYNCH, McCALL, PALLONE, ROEBUCK, SATHER, SOLOBAY, TIGUE, WRIGHT, DeWEESE, FRANKEL, PISTELLA, KOTIK, RUBLEY, MARKOSEK, MANN and MELIO

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, extending the expiration of the Health Care Provider Retention Program; and further providing for reporting.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 13, 2004.

No. 2565 By Representatives CREIGHTON, ARMSTRONG, ROHRER, METCALFE, BALDWIN, BOYD, DENLINGER, FABRIZIO, HICKERNELL, TRUE, BASTIAN, BIRMELIN, COLEMAN, EGOLF, FLICK, FORCIER, HERSHEY, LEWIS, R. MILLER, S. MILLER, SCHRODER, STEIL, E. Z. TAYLOR, WATERS, YOUNGBLOOD, CLYMER, T. STEVENSON, VANCE and ZUG

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, eliminating authority for the fair share fee for employees of Commonwealth entities; and relieving certain employee organizations of certain duties and obligations.

Referred to Committee on LABOR RELATIONS, April 13, 2004.

No. 2566 By Representatives ROHRER, ARMSTRONG, BALDWIN, BASTIAN, BIRMELIN, BOYD, CLYMER, COLEMAN, CREIGHTON, DENLINGER, EGOLF, FAIRCHILD, FORCIER, GILLESPIE, HARRIS, HERSHEY, HICKERNELL, LEH, LEWIS, MAITLAND, METCALFE, R. MILLER, S. MILLER, REICHLEY, SCHRODER, STEIL, E. Z. TAYLOR, TRUE, VANCE and ZUG

An Act amending the act of June 2, 1993 (P.L.45, No.15), known as the Public Employee Fair Share Fee Law, relieving certain employee organizations of certain duties and obligations.

Referred to Committee on LABOR RELATIONS, April 13, 2004.

No. 2567 By Representatives FORCIER, METCALFE, ARMSTRONG, BALDWIN, BARD, BASTIAN, BENNINGHOFF, BIRMELIN, BOYD, CLYMER, COLEMAN, CRAHALLA, CREIGHTON, DENLINGER, EGOLF, FAIRCHILD, GABIG, GILLESPIE, HARRIS, HERSHEY, HICKERNELL, LEH, LEWIS, MAITLAND, R. MILLER, S. MILLER, REICHLEY, ROHRER, SCHRODER, STEIL, T. STEVENSON, E. Z. TAYLOR, TRUE, VANCE and ZUG

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, eliminating authority for the fair share fee for employees of school entities; and relieving certain employee organizations of certain duties and obligations.

Referred to Committee on LABOR RELATIONS, April 13, 2004.

No. 2568 By Representatives FORCIER, BARRAR, CRAHALLA, DeWEESE, EGOLF, GILLESPIE, GOODMAN, HARPER, HARRIS, HERSHEY, LEWIS, REICHLEY, ROHRER, SATHER, SEMMEL, SOLOBAY and TIGUE

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

Referred to Committee on JUDICIARY, April 13, 2004.

No. 2569 By Representatives FORCIER, ARMSTRONG, CAWLEY, CRAHALLA, DENLINGER, GODSHALL, HORSEY, LEH, LEVDANSKY, ROHRER, SOLOBAY, STERN, E. Z. TAYLOR, THOMAS and TIGUE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, authorizing waterways conservation officers to enforce trespass laws.

Referred to Committee on GAME AND FISHERIES, April 13, 2004.

No. 2570 By Representatives FORCIER, ARMSTRONG, CAWLEY, CRAHALLA, DENLINGER, GODSHALL, HORSEY, LEH, LEVDANSKY, ROHRER, SOLOBAY, STERN, E. Z. TAYLOR, THOMAS and TIGUE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, authorizing Game Commission officers to enforce trespass laws.

Referred to Committee on GAME AND FISHERIES, April 13, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 681 By Representatives GEORGE, THOMAS, BEBKO-JONES, BELFANTI, BROWNE, CAWLEY, CORRIGAN, CURRY, DALEY, DeLUCA, DeWEESE, FABRIZIO, GERGELY, GOOD, GOODMAN, KELLER, MANDERINO, MARKOSEK, MYERS, PALLONE, PETRARCA, PISTELLA, READSHAW, ROONEY, SATHER, SHANER, SOLOBAY, SURRA, TIGUE, WALKO, WASHINGTON, WHEATLEY, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

A Resolution urging the Office of Energy and Technology Development of the Department of Environmental Protection to convene an Energy Summit to explore solutions to relieve Pennsylvanians from high home heating bills and to discuss options for addressing this problem in the long-term.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 13, 2004.

No. 682 By Representatives STERN, BEBKO-JONES, MUSTIO, HARPER, BAKER, LEDERER, DiGIROLAMO, PALLONE, WEBER, SURRA, GOODMAN, SOLOBAY, J. EVANS, GOOD, SAYLOR, FAIRCHILD, HENNESSEY, HARHAI, ZUG, SATHER, MAJOR, LEH, PHILLIPS, SANTONI, JAMES, HANNA, CRAHALLA, McCALL, GEORGE, DeWEESE, KENNEY, KIRKLAND, TIGUE, WALKO, BASTIAN, THOMAS, FICHTER, READSHAW, LAUGHLIN, GEIST, MUNDY, MANN, DONATUCCI, S. MILLER, BELARDI, HUTCHINSON, CLYMER, CAPPELLI, WHEATLEY, REICHLEY, T. STEVENSON, R. STEVENSON, HARRIS, SCAVELLO, FEESE, BISHOP, LESCOVITZ, COY, E. Z. TAYLOR, MARKOSEK, BALDWIN, FABRIZIO, SHANER, BELFANTI, BOYD, ALLEN, KILLION, JOSEPHS, PAYNE, ROBERTS, WANSACZ, WOJNAROSKI, FORCIER, BIANCUCCI, ARMSTRONG, GINGRICH, PETRARCA, KELLER, CORRIGAN, EGOLF, CAUSER, DENLINGER, GRUCELA, HASAY, MARSICO, HARHART, YOUNGBLOOD, SEMMEL, CRUZ, DALEY, BUNT, HESS, DALLY, PISTELLA, HORSEY, MILLARD, SAMUELSON, BLAUM and MELIO

A Resolution urging the Department of Veterans Affairs (VA) to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 13, 2004.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who requests a leave of absence for the week for the gentleman from Delaware, Mr. KILLION; for the gentleman from Bucks, Mr. McILHINNEY. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. THOMAS, and the gentleman from Philadelphia, Mr. RIEGER. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—192

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

ADDITIONS—7

Butkovitz Horsey	James Josephs	Oliver Roebuck	Waters
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NOT VOTING—0

EXCUSED—4

Killion	McIlhinney	Rieger	Thomas
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LEAVES ADDED—6

Creighton Coy	DeWeese Keller	Lynch	Wojnaroski
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LEAVES CANCELED—1

Keller

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2240, PN 3621, be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

HB 2240, PN 3621.**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2240 be recommitted to the Committee on Appropriations.

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House the Bishop McDevitt debate team. They are here today as guests of Representative Buxton, Representative Marsico, and Representative Gabig. They are located in the rear of the hall of the House. Would those guests please rise to be recognized by the membership.

The Chair would like to welcome, as the guest of Representative Pat Vance, Ben Gasbarre, a sophomore from Cumberland Valley High School and the son of Michael Gasbarre, executive director of the Local Government Commission. He is seated on the floor of the House to the left of the Speaker. Would that guest please rise to be recognized.

We have guests of Representative Chris Ross. They are seated in the rear of the House. They are students and professors from the Senior Seminar Legislative Forum and Political Science Club from West Chester University. Would those guests please rise and be recognized.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the hall of the House of the gentleman from Philadelphia, Mr. Horsey. Please add his name to the master roll.

GUESTS INTRODUCED

The SPEAKER. As the guest of Representative Sam Rohrer, Becky McLay. She is in the gallery. Ms. McLay is a personal friend of the family and is shadowing the Representative for the day. Would she please rise and be recognized.

We have Amy Feeser, a guest of Representative Steven Nickol, from New Oxford High School, who is also shadowing Representative Steven Nickol. Would that guest please rise and be recognized. She is a guest page right down here in the front.

Joining us today is Travis Proctor from Columbia High School, Lancaster County. Travis is job-shadowing with Representative David Hickernell. Please join me in welcoming him also here today.

**HERSHEY HIGH SCHOOL BOYS
SWIMMING AND DIVING TEAM
PRESENTED**

The SPEAKER. The Chair at this time recognizes Representative John Payne for the purpose of a citation. Would the Representative please come up.

The gentleman has the right to be heard on the floor of the hall of the House. Would you please keep the noise levels down.

Mr. PAYNE. Thank you, Mr. Speaker.

Fellow members of the House, today I would like to introduce the Hershey High School boys swim and dive team, which won the 2003-2004 PIAA State Class AA swimming and diving championship. I have the honor of standing here again with them, since this is the second consecutive year that they have won this State championship.

Having been a member of the Hershey High swim team when I went to school there and graduated there, I understand the honor of winning not just one but two State championships for the swim team. I think they definitely deserve a round of applause today.

I would ask the swim team in the back of the room to please stand to be recognized.

This year's squad defeated its closest opponent, Shady Side, by more than 60 points.

The team is coached by Greg Fastrich and Jeff Fastrich; captains, on the House citation, are Christopher Weitekamp and Robert Felty. It is my honor to give them a House citation today.

Congratulations again, and I hope to introduce you next year, guys.

MEMBER'S PRESENCE RECORDED

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

SOUDERTON AREA HIGH SCHOOL BOYS WATER POLO TEAM PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Godshall, for the purposes of a citation.

The gentleman, again, is entitled to be heard. Please keep the noise levels down.

Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Representative Bunt and Representative Fichter, if you would like to come up at this point. I had mentioned something earlier, you know, that you can come up here and join us.

While they are on their way up, I would just like to say thank you, Mr. Speaker, and before you in this chamber we have honored a lot of State champion organizations over the years, in my 22 years I have been here. We have recognized football, basketball, scholastics, and all kinds of things.

It gives me great honor today to recognize the outstanding young men of the Souderton Senior High School boys water polo team. Two years ago they promised their coach they would win a State title. It takes a lot of guts and a lot of confidence to make a promise like that, but it takes even more guts and a lot of hard work to deliver on that kind of promise, and deliver they did in November, winning the school's first-ever State championship in water polo.

They had not lost to a Pennsylvania team all season coming into the championship, and in fact, they had won those games pretty easily. It is easy to start feeling like you are unbeatable in situations like that, but these guys, with the help of their coaches, were able to keep things in check and came out working and playing hard. Ultimately, the team won four games leading to the championship title by a 53-to-26 margin. If the State championship was not enough, the boys turned around and traveled to Villanova the very next day and placed third in the Eastern Interscholastic Water Polo Championships, playing against some of the best teams from across the entire eastern seaboard. Of course, both achievements were team efforts. The team members dedicated a lot of time and practice and stayed focused on the task at hand during each and every contest. The boys' families supported them at every turn, and they got great guidance from their outstanding coaches, Terrence Nesensohn, who is here with us, Ryan McGrath, and Judy Hemmerle.

These young men learned from each other and supported each other in good times and in bad to achieve their ultimate goal. The lessons learned about the importance of teamwork will go with these young men for the rest of their lives and will undoubtedly serve them very well.

Everyone on the team deserves our congratulations, but I would like to especially recognize six players on the seven-man team to be named to the All-State team – senior Chris Hemmerle was named Mr. Water Polo as the best player in the State and was a first-team selection; other first-team selections were Zach Swartz and Bradford Bennett, Jr.; Derek Coyle was a second-team selection; Ben Radcliff was third team; and Reid Fox was an honorable mention.

So when you have a seven-man team and six of the seven are recognized from honorable mention up to the number one player in the State, you really accomplished a lot, and they have learned from each other. Everyone on the team deserves our congratulations, but I would especially like to call your attention and have the rest of the Souderton High School water polo team in the rear of the House stand up and be recognized, and give a nice round of applause to an outstanding achievement.

With that I say thank you, Mr. Speaker, and a job well done.

I have also been just recognized as receiving the water polo ball – I guess that is what you call it – that says, "State Champs '03 Souderton, Pennsylvania" – my own high school.

Thank you, guys.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Philadelphia, Mr. Oliver; the gentelady from Philadelphia, Ms. Josephs; and the gentleman from Philadelphia, Mr. Butkovitz. Their names will be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has the pleasure of announcing that Representative Chuck McIlhinney and his wife, Jennifer, gave birth to their second child, Gabriella Grace, at 11:30 on Easter morning. She was 6 pounds 8 ounces, 18 inches long. Congratulations, Mr. McIlhinney.

GUEST INTRODUCED

The SPEAKER. The Chair would like to announce that there is a guest page, Adam Hallowell. He is the guest of Representatives Craig Dally and Doug Reichley. Adam is a junior at Emmaus High School and seated with the pages. Would that guest please rise and be recognized.

OFFICER MARCIA LaPORTE PRESENTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Casorio, for the purpose of a citation.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, this morning with me I would like to introduce a few guests of myself and Representative Pallone. I have Marcia LaPorte, a police officer from Arnold, who is being honored in Westmoreland County, being honored this morning; her husband, Sgt. Bob LaPorte, from the New Kensington Police Department; and Leroy "Bud" Anthony, the president of the Fraternal Order of Police, Allegheny Valley Lodge 39.

Let me, if I could, just briefly read from the citation to give you a little bit of background of the situation that Officer Marcia LaPorte was in and then Representative Pallone,

who has the city of Arnold and the city of New Kensington, to give some brief remarks.

“...Officer LaPorte arrived at the scene of an incident in...” January this past year where “...shots were being fired by a citizen who had barricaded himself in the upstairs of his home.” When Officer LaPorte arrived, she “...saw that officers from the Lower Burrell Police Department were under fire and in grave danger. Taking no thought for her own safety, she drove up to one of the officers, putting herself directly in the line of the alleged shooter’s fire,” Mr. Speaker. “Once the other officer jumped into her patrol car, she backed it away from the residence, enabling two other officers to leave the area under the protection of her patrol car. She then radioed other officers...information about the situation, and began negotiations...” Mr. Speaker. “Throughout this highly dangerous and potentially fatal situation, Officer LaPorte put the safety and well-being of others before her own. To her...credit, the incident ended peacefully,” Mr. Speaker.

Today before us we have an example of the kind of men and women that serve as our brothers and sisters in law enforcement. Quite frankly, we take the actions that they give us every single day for granted, Mr. Speaker, but when we need a police officer, whether that be 2 in the morning or 2 in the afternoon, they are always there to help us and to help our families and to make our streets safer.

So I am proud of Officer Marcia LaPorte and pleased to honor her today, along with my brothers and sisters of the FOP.

Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

For me it is truly a pleasure to have the opportunity to honor one of my constituents for her heroic deeds. And I remember, oh, a couple of decades ago as a young high school student reading a book about the Brian Piccolo/Gale Sayers story, and it was entitled “I Am Third,” and as soon as you open the inside of that cover, there is a very short phrase in there that just says, “The Lord is first, my friends are second, and I am third!” Marcia LaPorte exemplifies that by placing herself third just like that, and I am sure she honors her God, and of course places her community and the safety of our community second, and of course she places herself third.

And because of the honor that I have being able to honor her today, I want you all to know and all of the people of Pennsylvania that good law enforcement officials at all levels place themselves in jeopardy on a daily basis and place themselves third, if you will, for our safety and for our protection.

Again, please join me in congratulating Officer LaPorte and the rest of the law enforcement agencies throughout our Commonwealth.

Thank you very much, Mr. Speaker.

OVERBROOK HIGH SCHOOL MOCK TRIAL TEAM PRESENTED

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Louise Bishop, for the purpose of a citation. Representative.

Ms. BISHOP. Thank you, Mr. Speaker.

I might add that Representative Kathy Manderino and I share Overbrook High School. I thought she would have been here, but she might have left the floor for a moment.

But I want to say thank you, ladies and gentlemen, for your indulgence.

The story I have to tell this morning is an inspirational story. The story is a story of persistency; it is a story of success. Five Overbrook High School students persevered against many odds. They persevered against many trials and against many tribulations to become the State’s 2004 mock trial champions. The team defeated Oliver High School on March 27 in the State finals.

This truly is a story of miracles. The team’s adviser, Phillip Beauchmin, became ill, so ill that he was in a coma for a week. While recuperating, he watched the team dwindle from 25 members to just 5 members, and I would like to note that most teams have 10 to 15 members. Thanks to two former members who graduated from Overbrook High School, the team moved forward. Tyrae Miller and Khadijah Scott took the reins of the coaching. Mr. Beauchmin’s health improved, and from his bed he continued to rebuild his team. These efforts proved victorious last month.

I would like the members to welcome our five State champions – Tiona Christopher, Lajuan Tucker, Christopher McFadden, Dorian Nelson, Juanita Robinson – to the floor of the House.

And of course, we are being joined by Kathy Manderino, Representative Kathy Manderino. I will just let her take the second half.

Ms. MANDERINO. Thank you.

We are so proud in Philadelphia of Overbrook High School children.

I would also like to thank all of the members. I would like to ask all of the members to recognize their coach and the two students who really came back to their school – Tyrae Miller and Khadijah Scott.

The team now heads to Orlando to compete in the national championship in May, and we would like to extend them the best wishes for their continued success.

Let us give them a wonderful House round of applause.

Ms. BISHOP. And as we present each of the students a citation from the House of Representatives, I say thank you very much, ladies and gentlemen, and thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentlelady, Ms. Youngblood, rise?

Ms. YOUNGBLOOD. Mr. Speaker, I would like the members of the General Assembly to know I am a proud graduate of Overbrook High School. There are two other members as well. Representative Ron Waters is a graduate of Overbrook High School, and seated to my right when I am sitting, Representative Alan Butkovitz is also a proud member of Overbrook High School.

So I think it is encouraging to the students of Overbrook High School that we have three members sitting in the Pennsylvania General Assembly that are graduates of Overbrook High School.

The SPEAKER. For the information of the gentlelady, I appropriately graduated from Lincoln High School in Philadelphia.

**CALIFORNIA UNIVERSITY OF PENNSYLVANIA
WOMEN'S BASKETBALL TEAM
PRESENTED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Daley, for the purposes of a citation.

Mr. DALEY. Ladies and gentlemen of the House of Representatives and all the sports fans across Pennsylvania, the date, March 27, 2004; the place, Civic Arena, St. Louis, Missouri; the event, the national championship of the NCAA women's Division II basketball game. The lights come up; ESPN2 turns on the cameras. California University of Pennsylvania hits the floor playing Drury University.

Ladies and gentlemen of the House of Representatives, Drury University, with 28.6 seconds left in that game, was leading by 72 to 71 over California. Megan Storck brought the ball down the floor, point guard, and sunk a three-pointer. Becky Siembak later was fouled a few seconds later and sealed the deal.

Ladies and gentlemen, let me present to you the NCAA women's Division II national championship women's basketball program of California University of Pennsylvania.

The win gave California a record of 35 and 1, and if you have not seen it, that is the trophy, the national champs of NCAA Division II.

Let me introduce to you the players: Lisa Gottuso – wave your hand – Dani Mills, Megan Storck, Kristin Kalervo, Sameera Philyaw, Erin Dillon, Krystal Cornish, Nicole Gross, Sara McKinney, Becky Siembak, Fanisha Clark, and Devon Powers. The head coach of the fighting Vulcans, Darcie Vincent; assisted by Heather Kearney, Andrea Gross, and Jenni Morrison. We have also with us President Angelo Armenti, president of California University. Accompanying the girls today are Karen Hjerpe – she is in the back – Tim Susick, Jason Greene, Nancy Skobel, and Annie Malkoviak.

Ladies and gentlemen, it is my pleasure to present to you this team on the floor of the House of Representatives.

Thank you, Mr. Speaker. We are all so proud of what they have accomplished. Thank you.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Philadelphia, Mr. Roebuck, and the gentleman from Philadelphia, Mr. James. Their names will be added to the master roll.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House guest pages Emma Shumaker and Caitlin Rice from Mechanicsburg High School. They are the guests of Representative Jerry Nailor. They are in the well of the hall of the House. Would those guests please rise and be recognized.

The Speaker is pleased to welcome to the hall of the House John Inman and Jack Thompson, who are guests today of Representative Dick Stevenson. John and Jack are members of the Grove City Borough Council. The guests are seated in the gallery. Would those guests please rise.

The Chair would welcome to the hall of the House the guests of Representative Wilt. They are Alina Tananova from Russia, who attends Greenville High School, 12th grade, and Victoria Botuzak from the Ukraine, who attends Commodore Perry High School, the 12th grade. Would those guests please rise and be recognized.

The Chair would like to welcome to the hall of the House, actually to the gallery— Just give me a minute; this is the last one. Representative George Hasay would like to welcome and acknowledge the presence in the gallery of the students of the MMI School of Freeland, who are also guests of the Luzerne County delegation. They are accompanied by Judge Correale Stevens, one of our former members, and teachers Dennis Clarke and Mike Scarlatto. Would those guests please rise and be recognized.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a majority Republican caucus at 1 o'clock, and it is my understanding that we will then come back to the floor at 2:30.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, immediately upon the call of the recess, we will have a Democratic caucus with discussions about today's calendar, tomorrow's calendar, and we will have informal discussions, too.

ANNOUNCEMENT BY MR. WILT

The SPEAKER. The Chair recognizes the gentleman, Mr. Wilt, for the purpose of an announcement.

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

For the information of the members, there will be lunch in room 205, Ryan Office Building. It is being hosted by the Independent Colleges, and they are up there ready and waiting for us. So if you are hungry, 205 Ryan.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall, for the purpose of an announcement.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, at the declaration of the recess, the House Appropriations Committee will conduct a very important meeting in room 245.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet in room 245 at the recess.

Are there any further announcements?

RECESS

The SPEAKER. This House is in recess until 2:30.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman, Mr. WOJNAROSKI, for the remainder of the day. Without objection, his name will be placed on leave.

The gentleman, Mr. KELLER, will be put temporarily on leave.

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate
April 13, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, May 3, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of May 3rd, it reconvene on Monday, May 10, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, May 10, 2004, unless sooner recalled by the Speaker of the House of Representatives.

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

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

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LOCAL GOVERNMENT**

HB 2305, PN 3214 By Rep. LEH

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further prohibiting occupation tax.

FINANCE.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON URBAN AFFAIRS**

HB 2461, PN 3513 By Rep. HERMAN

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for applicability of provisions relating to planned communities, for meetings and for quorums of unit owners' associations of planned communities, for proxies and for association records.

LOCAL GOVERNMENT.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON
HEALTH AND HUMAN SERVICES**

HB 2488, PN 3607 By Rep. HERMAN

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

LOCAL GOVERNMENT.

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

HB 2182, PN 3729 (Amended) By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "average net income" and "corporation" for purposes of capital stock and franchise tax.

FINANCE.

HB 2351, PN 3279 By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for retirement benefits of employees transferred to wastewater authorities.

LOCAL GOVERNMENT.

HB 2373, PN 3731 (Amended) By Rep. HERMAN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for the powers of the Department of Labor and Industry relating to State-owned buildings; and establishing the Uniform Construction Fund.

LOCAL GOVERNMENT.

HB 2463, PN 3730 (Amended) By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "taxable income" for purposes of the corporate net income tax; and providing for allowance of deduction.

FINANCE.

HB 2467, PN 3519

By Rep. HERMAN

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

LOCAL GOVERNMENT.

HB 2521, PN 3664

By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

APPROPRIATIONS.

HB 2522, PN 3665

By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

APPROPRIATIONS.

HB 2523, PN 3666

By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

APPROPRIATIONS.

HB 2524, PN 3667

By Rep. ARGALL

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

APPROPRIATIONS.

HB 2525, PN 3668

By Rep. ARGALL

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

APPROPRIATIONS.

HB 2526, PN 3669

By Rep. ARGALL

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

APPROPRIATIONS.

HB 2527, PN 3670

By Rep. ARGALL

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

APPROPRIATIONS.

HB 2528, PN 3671

By Rep. ARGALL

An Act providing for the capital budget for the fiscal year 2004-2005.

APPROPRIATIONS.

HB 2529, PN 3672

By Rep. ARGALL

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2531, PN 3673

By Rep. ARGALL

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2532, PN 3674

By Rep. ARGALL

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and

providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2533, PN 3675 By Rep. ARGALL

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2534, PN 3676 By Rep. ARGALL

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

APPROPRIATIONS.

HB 2535, PN 3677 By Rep. ARGALL

An Act making appropriations to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

HB 2536, PN 3678 By Rep. ARGALL

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

APPROPRIATIONS.

HB 2537, PN 3679 By Rep. ARGALL

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

APPROPRIATIONS.

HB 2538, PN 3680 By Rep. ARGALL

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

APPROPRIATIONS.

HB 2539, PN 3681 By Rep. ARGALL

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

APPROPRIATIONS.

HB 2540, PN 3682 By Rep. ARGALL

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

APPROPRIATIONS.

HB 2541, PN 3683 By Rep. ARGALL

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

APPROPRIATIONS.

HB 2542, PN 3684 By Rep. ARGALL

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

APPROPRIATIONS.

HB 2543, PN 3685 By Rep. ARGALL

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

APPROPRIATIONS.

HB 2544, PN 3686 By Rep. ARGALL

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

HB 2545, PN 3687 By Rep. ARGALL

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

APPROPRIATIONS.

HB 2546, PN 3688 By Rep. ARGALL

An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

HB 2547, PN 3689 By Rep. ARGALL

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

HB 2548, PN 3690 By Rep. ARGALL

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

HB 2549, PN 3691 By Rep. ARGALL

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

APPROPRIATIONS.

HB 2550, PN 3692 By Rep. ARGALL

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

APPROPRIATIONS.

HB 2551, PN 3693 By Rep. ARGALL

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

APPROPRIATIONS.

HB 2552, PN 3694 By Rep. ARGALL

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

HB 2553, PN 3695 By Rep. ARGALL

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 2554, PN 3696 By Rep. ARGALL

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

APPROPRIATIONS.

HB 2555, PN 3697 By Rep. ARGALL

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

APPROPRIATIONS.

HB 2556, PN 3698 By Rep. ARGALL

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

APPROPRIATIONS.

HB 2557, PN 3699 By Rep. ARGALL

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

APPROPRIATIONS.

HB 2558, PN 3700 By Rep. ARGALL

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

APPROPRIATIONS.

HB 2559, PN 3701 By Rep. ARGALL

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

APPROPRIATIONS.

HB 2560, PN 3719 By Rep. ARGALL

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2004, to June 30, 2005, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2004, to June 30, 2005; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2004, to June 30, 2005, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

APPROPRIATIONS.

SB 815, PN 1543 (Amended) By Rep. MICOZZIE

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for policyholder collateral, for deductible reimbursements and for other policyholder obligations.

INSURANCE.

BILLS REREPORTED FROM COMMITTEE**HB 835, PN 3555** By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for scope of chapter relating to DNA data and testing, for the definitions of "DNA record" and "other specified offense," for DNA sample required upon conviction, delinquency adjudication and certain ARD cases and for expungement.

APPROPRIATIONS.

HB 2042, PN 2692

By Rep. ARGALL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for wild turkey hunting.

APPROPRIATIONS.

HB 2071, PN 2772

By Rep. ARGALL

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

APPROPRIATIONS.

HB 2218, PN 3015

By Rep. ARGALL

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, adding a definition of “computer-related hardware, software and training”; and further providing for moneys appropriated to municipalities.

APPROPRIATIONS.

HB 2240, PN 3621

By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for spaces on the individual income tax return for a voluntary contribution to the 2005 Summer National Senior Olympic Games and to military family relief.

APPROPRIATIONS.

HB 2273, PN 3496

By Rep. ARGALL

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for examination requisite for appointment and promotion.

APPROPRIATIONS.

HB 2326, PN 3247

By Rep. ARGALL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for tagging and reporting big game kills.

APPROPRIATIONS.

HB 2329, PN 3250

By Rep. ARGALL

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

APPROPRIATIONS.

HB 2378, PN 3356

By Rep. ARGALL

An Act designating a portion of State Route 4013 in Blair County as the Jack E. Kuhn Memorial Highway.

APPROPRIATIONS.

HB 2396, PN 3373

By Rep. ARGALL

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for the definitions of “crime” and “personal injury crime.”

APPROPRIATIONS.

HB 2398, PN 3556

By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children and other missing persons.

APPROPRIATIONS.

HB 2405, PN 3381

By Rep. ARGALL

An Act designating a certain bridge carrying SR 248 over Aquashicola Creek in Palmerton Borough, Carbon County, as the Colonel John Craig Memorial Bridge.

APPROPRIATIONS.

HB 2406, PN 3382

By Rep. ARGALL

An Act redesignating the bridge on State Route 228 which passes over Interstate 79 in Cranberry Township, Butler County, as the 79th Infantry Division Memorial Bridge.

APPROPRIATIONS.

HB 2429, PN 3557

By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for DNA sample required upon conviction, for delinquency adjudication, for certain ARD cases and for expungement; and providing for good faith in collection of DNA sample.

APPROPRIATIONS.

HB 2430, PN 3558

By Rep. ARGALL

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for unidentified dead bodies and fetal remains.

APPROPRIATIONS.

HB 2433, PN 3732 (Amended)

By Rep. ARGALL

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

APPROPRIATIONS.

HB 2437, PN 3448

By Rep. ARGALL

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as the Second Class Township Code, further providing for creation of recreation boards.

APPROPRIATIONS.

HB 2438, PN 3449 By Rep. ARGALL

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

APPROPRIATIONS.

SB 751, PN 1432 By Rep. ARGALL

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for respiratory care practitioners; and providing for continuing respiratory care education.

APPROPRIATIONS.

SB 752, PN 1433 By Rep. ARGALL

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for temporary respiratory care permits; and providing for continuing education.

APPROPRIATIONS.

SB 876, PN 1098 By Rep. ARGALL

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for real property.

APPROPRIATIONS.

GUESTS INTRODUCED

The SPEAKER. The House would like to welcome the Pennsylvania Auctioneers Association, who are located in the gallery. Would the association please stand to be welcomed to the House.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 615, PN 716**, entitled:

An Act regulating tattoo, body-piercing and corrective cosmetic artists; providing for powers and duties of the Department of Health; and imposing penalties.

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

Ms. **JOSEPHS** offered the following amendment No. **A0968**:

Amend Title, page 1, line 2, by inserting after "artists;" limiting tongue splitting;

Amend Sec. 3, page 3, by inserting between lines 18 and 19 "Tongue splitting." The cutting of a human tongue into two or more parts.

Amend Sec. 5, page 5, by inserting between lines 3 and 4 (10) Tongue splitting.

Amend Bill, page 9, by inserting between lines 9 and 10 Section 9.1. Tongue splitting limitation.

(a) General rule.—A person shall not perform tongue splitting on another person unless the tongue splitting is performed by a physician or dentist licensed in this Commonwealth.

(b) Grading.—Any person who violates the provisions of this section commits a misdemeanor of the first degree for a first offense and a felony of the third degree for a second or subsequent offense.

Amend Sec. 14, page 12, by inserting between lines 22 and 23

(2) Section 9.1 shall take effect in 60 days.

Amend Sec. 14, page 12, line 23, by striking out "(2)" and inserting

(3)

Amend Sec. 14, page 12, line 24, by striking out "(3)" and inserting

(4)

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

The SPEAKER. On that question, the Chair recognizes the gentlelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment does nothing to the bill about tattooing. What it does is draw attention to what I think is a pretty reprehensible practice, but seems to be not uncommon, of tongue splitting. Many people have asked me why someone would want to split his tongue, and I have no notion. But what my amendment does is make it mandatory, if you want your tongue to be split, which is a surgical procedure, that surgical procedure must be done by a doctor or a dentist who is licensed in this Commonwealth.

I know of no known opposition to this bill. It does not cost the Commonwealth any funds. I urge you to vote "yes."

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Mackereth	Santoni
Armstrong	Fairchild	Maher	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fichter	Major	Scavello
Bard	Fleagle	Manderino	Schroder
Barrar	Flick	Mann	Scrimenti
Bastian	Forcier	Markosek	Semmel
Bebko-Jones	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McNaughton	Stairs
Bishop	Gergely	Melio	Steil
Blaum	Gillespie	Metcalfe	Stern
Boyd	Gingrich	Micozzie	Stetler
Browne	Godshall	Millard	Stevenson, R.

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

NAYS—0

NOT VOTING—3

Butkovitz	Cruz	Youngblood
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EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, HB 615 is surprisingly simple in its intent. Currently there are no health standards for establishments that place tattoos on anyone nor are there any health standards for places where they pierce their body parts – no standards that require sterilization, no standards that require proper disposal of needles. In my district, tattoo needles were found by children playing in an area near a shop that had simply tossed the needles out with no precautions, and there is no requirement for regular safety inspections of these shops. Tattoos and body piercings

can be done under virtually any conditions, yet they are invasive procedures, filled with the opportunity to pass on untold infections and germs.

Now, we regulate people who cut your hair; we make sure their shops are clean and meet certain health standards, but at the present time, if you want someone to run a needle through your navel or inject dye into your skin, we have no authority to simply require that that shop is clean or even that their needles are sterilized and then properly disposed of. We have more and more people getting tattoos on various parts of their bodies and also piercing their bodies; however, there is serious and valid concern that these procedures are occurring in less than sterile environments in some cases.

Certainly we do not wish to regulate a person's desire to decorate their body with pictures of eagles, flowers, whatever they wish; however, we do have a responsibility as State Representatives and legislators to ensure that the people's health is protected and that the health hazards do not exist due to less than sanitary conditions.

Mr. Speaker, I would ask for a positive vote on HB 615.

Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

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

Daley	James	Readshaw	Williams
Dally	Josephs	Reed	Wilt
DeLuca	Kenney	Reichley	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	Perzel,
Eachus	Leh	Ruffing	Speaker

NAYS—0

NOT VOTING—6

Butkovitz	Horse	Preston	Waters
Cruz	Pistella		

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

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

RESOLUTIONS

Ms. WEBER called up **HR 585, PN 3348**, entitled:

A Resolution memorializing the Congress of the United States to amend provisions of law relating to facilitation of law enforcement exchange of DNA identification information to expand the types of DNA samples which are entered into the Combined DNA Index System (CODIS).

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Mackereth	Santoni
Armstrong	Fairchild	Maher	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fichter	Major	Scavello
Bard	Fleagle	Manderino	Schroder
Barrar	Flick	Mann	Scrimenti
Bastian	Forcier	Markosek	Semmel
Bebko-Jones	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McNaughton	Stairs
Bishop	Gergely	Melio	Steil
Blaum	Gillespie	Metcalfe	Stern
Boyd	Gingrich	Micozzie	Stetler
Browne	Godshall	Millard	Stevenson, R.
Bunt	Good	Miller, R.	Stevenson, T.
Buxton	Goodman	Miller, S.	Sturla
Caltagirone	Grucela	Mundy	Surra
Cappelli	Gruitza	Mustio	Tangretti

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

NAYS—0

NOT VOTING—2

Butkovitz	Cruz
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EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Mr. LEACH called up **HR 593, PN 3393**, entitled:

A Concurrent Resolution designating April 24, 2004, as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915-1923."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

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

NAYS-0

NOT VOTING-2

Butkovitz	Wansacz
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EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. MARSICO called up **HR 631, PN 3524**, entitled:

A Resolution recognizing April 30, 2004, as "Arbor Day"; promoting public participation in the celebration; and further recognizing the value of trees to our environment.

On the question,
Will the House adopt the resolution?

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

Mr. MARSICO. Thank you, Mr. Speaker.

I just wanted to take a moment to thank and recognize the nurseries that provided the, actually it would be the viburnum seedling, a native shrub to Pennsylvania, and I want to thank again the Octoraro Native Plant Nursery, the Chesapeake Bay Foundation, and also the Pennsylvania Landscape and Nursery Association for coordinating the giveaway of these seedlings.

For the members' information, the native plant seedling for you will be in the rear of the House. The native, well, actually, the evergreen seedling on your desk is provided by the Autism Society of central Pennsylvania, so do not be confused. The arrowwood viburnum dentatum is yours at the rear of the House, okay?

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-1

Butkovitz

EXCUSED-7

Keller Lynch Rieger Wojnaroski
Killion McIlhinney Thomas

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

* * *

Mr. SEMMEL called up **HR 649, PN 3585**, entitled:

A Resolution designating the week of April 18 through 24, 2004, as "Pennsylvania One Call System Week."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

Dally	Kenney	Reichley	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel, Speaker
Eachus	Lescovitz		

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller Lynch Rieger Wojnaroski
Killion McIlhinney Thomas

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

* * *

Mr. HESS called up **HR 656, PN 3590**, entitled:

A Resolution designating Sunday, April 25, 2004, as "Bedford County Covered Bridge Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Mr. HICKERNELL called up **HR 658, PN 3603**, entitled:

A Resolution recognizing the month of May 2004 as "Foster Care Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Mrs. LEDERER called up **HR 665, PN 3637**, entitled:

A Resolution observing April 16 through 18, 2004, as "Youth Service Days" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Mr. MUSTIO called up **HR 667, PN 3638**, entitled:

A Resolution designating the month of April 2004 as "Good Chemistry Month" in Pennsylvania and recognizing the science of chemistry for its dynamism and innovation.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Mr. MARSICO called up **HR 671, PN 3652**, entitled:

A Resolution designating May 1, 2004, as "Loyalty Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Ms. BEBKO-JONES called up **HR 674, PN 3655**, entitled:

A Resolution designating the month of April 2004 as "Sexual Assault Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Ms. BEBKO-JONES called up **HR 675, PN 3656**, entitled:

A Resolution observing the week of April 18 through 24, 2004, as “Crime Victims’ Rights Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Ms. BEBKO-JONES called up **HR 678, PN 3659**, entitled:

A Resolution designating the month of April 2004 as “Minority Health Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

* * *

Ms. BEBKO-JONES called up **HR 679, PN 3660**, entitled:

A Resolution designating the week of March 15 through 19, 2004, as “Women and Addictions Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Mrs. Tami Kent, who is a teacher at the Open Door Christian Academy in Erie County. Accompanying her are three of her students in 11th grade. They are Shannon Burt, Cortnee Yost, and Tonya Green. They are all guests of Representative Tom Scrimenti of Erie County. They are in the balcony. Would those guests please rise and be recognized.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1424, PN 3474**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a technology enhancement fee for convictions; and establishing the Juvenile and Criminal Justice Technology Enhancement Fund.

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

Mr. **BIRMELIN** offered the following amendment No. **A0948**:

Amend Sec. 1 (Sec. 1110), page 2, line 11, by striking out all of said line and inserting

(b) Use of fee.—

(1) The moneys of the Juvenile and Criminal

Amend Sec. 1 (Sec. 1110), page 2, line 14, by striking out “which shall use the moneys” and inserting

no more than 10% of which may be used

Amend Sec. 1 (Sec. 1110), page 2, lines 17 through 23, by striking out “AFTER THE COMMISSION IS” in line 17, all of lines 18 through 23 and inserting

(2) After the commission is reimbursed pursuant to paragraph (1), the commission shall use the balance of the remaining moneys to make grants to the counties in the proportion it received the moneys from the counties to be used as follows:

(i) No more than 5% of the grant shall be expended by the county on its administrative fees related to collecting the fees.

(ii) (A) The balance of the grant shall be used by the county to maintain arrest and arraignment

systems and other future juvenile or criminal data systems and services.

(B) If at the expiration of the grant period, the county has not used any portion of the balance of the grant for the purpose contained in this subparagraph, it shall remit the money to the commission. Money remitted under this clause shall be redistributed to counties on a competitive grant basis.

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

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

The amendment that I have, I believe, is an agreed-to amendment, and what it does is takes the money that will be generated by this fund, which is entitled the "Juvenile and Criminal Justice Technology Enhancement Fund," and we will redistribute it back to the counties in proportion of which it came from. This is to protect each of the counties that are contributing to the fund so they will get back into their county the money that they can use for this particular fund—

The SPEAKER. Just one second, Mr. Birmelin.

The gentleman is entitled to be heard. Please.

Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I understand this is not the most exciting topic to be speaking about, but nonetheless, this is a protection for each of the counties to get the money back from the fund that their constituents are paying into it minus those few percentages that may be used for administrative costs. And as I said earlier, I think this is an agreed-to amendment and would ask for the members' support.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Mackereth	Santoni
Armstrong	Fabrizio	Maher	Sather
Baker	Fairchild	Maitland	Saylor
Baldwin	Feese	Major	Scavello
Bard	Fichter	Manderino	Schroder
Barrar	Fleagle	Mann	Scrimenti
Bastian	Flick	Markosek	Semmel
Bebko-Jones	Forcier	Marsico	Shaner
Belardi	Frankel	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.
Benninghoff	Gabig	McGill	Solobay
Biancucci	Gannon	McIlhattan	Staback
Birmelin	Geist	McNaughton	Stairs
Bishop	George	Melio	Steil
Blaum	Gergely	Metcalfe	Stern
Boyd	Gillespie	Micozzie	Stetler
Browne	Gingrich	Millard	Stevenson, R.
Bunt	Godshall	Miller, R.	Stevenson, T.
Butkovitz	Good	Miller, S.	Sturla
Buxton	Goodman	Mundy	Surra
Caltagirone	Grucela	Mustio	Tangretti

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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. **WATERS** offered the following amendment No. **A1521**:

Amend Title, page 1, line 3, by striking out "and"
Amend Title, page 1, line 4, by removing the period after "Fund" and inserting

; and providing for use of mobile telephone in school zone.

Amend Sec. 1, page 1, line 8, by striking out "a section" and inserting sections

Amend Bill, page 2, by inserting between lines 23 and 24 § 7516. Use of mobile telephone in school zone.

(a) Offense defined.—A person who uses a mobile telephone while operating a motor vehicle or school bus in a school zone during the restricted hours of operation of the school zone commits a summary offense.

(b) Notice.—Local authorities or school districts may post a sign or signs approved by the Department of Transportation in advance of a school zone to indicate that the use of a mobile telephone while operating a motor vehicle or school bus in a school zone is prohibited during the restricted hours of operation of the school zone.

(c) Exceptions.—The section shall not apply to the following:

(1) Use of a mobile telephone for communicating with any of the following regarding an emergency:

- (i) an emergency response operator or police dispatcher;
- (ii) a physician's office, medical clinic or hospital;
- (iii) an ambulance service or rescue squad;
- (iv) a fireman or fire department; or
- (v) a law enforcement officer or police department.

(2) Use of a mobile telephone to call for assistance in the event of a mechanical breakdown or other mechanical problem which impairs the safe operation of the motor vehicle or school bus.

(3) Use of a mobile telephone, which has a digital two-way radio, service capability owned and operated by the school district, when that device is being used as a digital two-way radio to communicate to and from a central dispatch, school transportation department or its equivalent.

(4) Use of a mobile telephone for the purpose of communicating with law enforcement officials or emergency service providers regarding a nonemergency police, public safety or medical situation.

(5) When the motor vehicle or school bus is parked.

(d) Nature of offense.—A summary conviction under this section:

(1) Shall not constitute a moving violation under the applicable provisions of 75 Pa.C.S. (relating to vehicles), unless the offense involves a motor vehicle accident or other serious traffic offense.

(2) Shall not be a criminal offense of record and shall not be reportable as a criminal act.

(3) Shall not be placed on the criminal record of the offending individual if any such record exists.

(e) Affirmative defense.—It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the motor vehicle or a school bus driver's use of a mobile telephone was necessitated by a bona fide emergency or a nonemergency public safety, police, medical or vehicle mechanical situation.

(f) Penalty.—Any person who violates this section commits a summary offense and shall, upon conviction, pay a fine of not more than \$50.

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

"Local authorities." County, municipal and other local boards or bodies having authority to enact laws relating to traffic.

"Mobile telephone." Any handheld wireless, cellular mobile or cellular telephone that uses radio wave transmission or a combination of radio wave transmission and conventional telephone switching to permit communication to and from users within a specified area.

"Restricted hours." The time during which children are going to or from school for the opening or closing of the school day, and the time during school recess.

"School zone." A street or highway adjacent to or near school buildings or grounds from which children have direct access to or regress from school buildings or grounds.

"Uses a mobile telephone." To use a mobile telephone to communicate with another person either by talking or listening to the person or to use a mobile telephone to dial the telephone number of a person.

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

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

The Chair rescinds. The gentleman, Mr. Waters, withdrew that amendment.

For what purpose does the gentleman, Mr. Vitali, rise?

Mr. VITALI. On the amendment.

The SPEAKER. The amendment has been withdrawn, Mr. Vitali.

On the question recurring,

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

RULES SUSPENDED

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

Mr. BROWNE. Mr. Speaker, I move that we suspend the rules for me to be able to offer amendment 1563.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

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

Dally	Kenney	Reichley	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

On the question recurring,

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

Mr. **BROWNE** offered the following amendment No. **A1563**:

Amend Title, page 1, line 3, by inserting after “fee”

and a criminal justice information sharing fee

Amend Title, page 1, line 4, by removing the period after “Fund” and inserting

and the Criminal Justice Information Sharing Fund.

Amend Sec. 1, page 1, line 8, by striking out “a section” and inserting

sections

Amend Sec. 1, page 2, by inserting between lines 23 and 24

§ 1111. Criminal justice information sharing fee.

(a) General rule.—Unless the court finds that undue hardship would result, a mandatory fee equal to 5% of the fine imposed but not less than \$10, which shall be in addition to any other costs imposed by law, shall automatically be assessed on any individual convicted, adjudicated delinquent, subject to a consent decree, or granted Accelerated Rehabilitative Disposition or any individual who pleads guilty or nolo contendere for a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, this title or 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs), which fee shall be deposited into a special fund in the State Treasury, to be known as the Criminal Justice Information Sharing Fund. No more than 5% of the restitution fees collected shall be retained by the county for its administrative fees related to collecting the restitution fees for deposit into the Criminal Justice Information Sharing Fund.

(b) Use of fee.—

(1) The moneys in the Criminal Justice Information Sharing Fund are hereby appropriated on a continuing basis to the Pennsylvania Commission on Crime and Delinquency, no more than 10% of which may be used to reimburse the commission for the administrative costs directly related to the making of grants from the Criminal Justice Information Sharing Fund.

(2) After the commission is reimbursed pursuant to paragraph (1), the commission shall make the remaining funds available to an entity having a Statewide role in the education

and representation of counties and their elected officials, for the purpose of redistribution on behalf of the counties for the coordination, deployment, activation and administration of a county-based integrated technology system for county criminal justice information sharing, which may include the following components:

(i) criminal case processing;

(ii) offender processing;

(iii) victim and witness notification; and

(iv) homeland security related activities.

(3) Any portion of the balance of the funds that has not been expended for the purposes contained in this subparagraph shall be remitted to the commission. Money remitted under this clause shall be redistributed to the counties on a competitive grant basis for the purposes delineated in paragraph (2).

On the question,

Will the House agree to the amendment?

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

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, the lack of timely access to complete and accurate criminal justice data currently impacts the ability of county criminal justice practitioners to perform case processing, offender processing, victim witness notification, and public-safety-related activities in a safe, efficient, and cost-effective manner. This lack of quality data combined with management responsibility of more than 70 percent of the Commonwealth’s offender population has required county executives and the judiciary and justice practitioners to seek new ways to use technology to address these significant challenges.

Over the past 5 years, CCAP (County Commissioners Association of Pennsylvania) has led a collaborative 14-county effort to develop a technology solution to address the county criminal justice information sharing challenges. Specifically, the CCAP county criminal justice technology solution, referred to as the “Justice Hub,” serves as the single point of information access within a county and allows county justice practitioners to immediately receive the following benefits in a real-time manner: electronic data sharing, electronic search and query capabilities, electronic notification capabilities, and document imaging.

At the present time, CCAP has installed the Justice Hub solution in 8 of the 14 counties and will continue to implement it in the rest of the counties by June 2004. Amendment A1563 will provide financial assistance to aid CCAP in the further deployment of the Justice Hub solution to a select group of 28 additional counties and then on to the remaining Commonwealth counties.

In summary, the CCAP Justice Hub solution presents a unique opportunity for the Commonwealth to significantly enhance the coordination, communication, and information-sharing efforts associated with crime, criminal case processing, offender processing, victim witness notification, and homeland-security-related activities throughout the Commonwealth, and I ask the members for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome Steve Lucas, a student at Kennard-Dale High School and a member of the 2004 class of the Future Leaders of York. He is in the balcony, and he is the guest of Representative Stan Saylor. Would that guest please rise and be recognized.

The Chair welcomes Sharon Cin and her son, Joseph Cin, who reside in Derry Township. Representative John Payne presented Joseph with a House citation this morning in recognition of his achievement of an Eagle Scout. They are obviously today the guests of Representative John Payne. They are in the balcony. Would that guest please rise and be recognized along with his mother.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2299, PN 3199 By Rep. KENNEY

An Act authorizing the establishment and maintenance of health savings accounts; exempting contributions from taxation; imposing restrictions on health savings accounts; and prescribing penalties.

HEALTH AND HUMAN SERVICES.

SB 137, PN 1544 (Amended) By Rep. KENNEY

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; and providing for release of medical records and for certain court reporting.

HEALTH AND HUMAN SERVICES.

CONSIDERATION OF HB 1424 CONTINUED

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Mackereth	Santoni
Armstrong	Fabrizio	Maher	Sather
Baker	Fairchild	Maitland	Saylor
Baldwin	Feese	Major	Scavello
Bard	Fichter	Manderino	Schroder
Barrar	Fleagle	Mann	Scrimenti
Bastian	Flick	Markosek	Semmel
Bebko-Jones	Forcier	Marsico	Shaner
Belardi	Frankel	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2329, PN 3250**, entitled:

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

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

Mr. **GEORGE** offered the following amendment No. **A1541**:

Amend Title, page 1, line 11, by removing the period after "exclusions" and inserting
; and providing for contributions to military family relief through individual income tax returns.

Amend Bill, page 3, lines 10 through 12, by striking out all of said lines and inserting

Section 2. The act is amended by adding a section to read:

Section 315.7. Contributions to Military Family Relief.—(a) The department shall provide a space on the Pennsylvania individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to be utilized for military family relief through the Department of Military and Veterans Affairs.

(b) The amount so designated on the individual income tax return form shall be deducted from the tax refund to which the individual is entitled and shall not constitute a charge against the income tax revenues due to the Commonwealth.

(c) The department shall determine annually the total amount designated under this section, less reasonable administrative costs, and shall report the amount to the State Treasurer who shall transfer the amount from the General Fund to the military family relief account, a restricted account which is hereby established within the General Fund for the purpose of providing for military family relief through the Department of Military and Veterans Affairs.

(d) (1) The department shall provide adequate information concerning the checkoff for military family relief in its instructions which accompany Pennsylvania individual income tax return forms. The information concerning the checkoff shall include the listing of an address furnished by the Department of Military and Veterans Affairs to which contributions may be sent by taxpayers wishing to contribute to this effort but who do not receive refunds.

(2) The Department of Military and Veterans Affairs shall conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers and distribute these funds as military family relief at the discretion of the Adjutant General to members and families of the Pennsylvania National Guard.

(e) The Department of Military and Veterans Affairs shall report annually to the respective committees of the Senate and the House of Representatives which have jurisdiction over the Pennsylvania National Guard on the amount received from the checkoff for military family relief and how the funds were utilized.

Section 3. This act shall apply as follows:

(1) The amendment of section 204(49) of the act shall apply to sales at retail or uses after December 31, 2003.

(2) The provisions of the addition of section 315.7 of the act shall apply to tax returns filed for taxable years commencing after December 31, 2003.

Section 4. This act shall take effect immediately.

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

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Mr. Speaker?

The SPEAKER. The gentleman.

Mr. GEORGE. I think I had agreed, in that there will be a bill tomorrow that will incorporate the same language, and that amendment deals with a strike-off for veterans and individuals

that are serving in our forces to be able to help their family, so I had agreed to pull that off under the condition it will run tomorrow in another bill, Mr. Speaker. Is that not true?

The SPEAKER. The Chair is told that that is the truth; it will be run tomorrow as a bill.

Mr. GEORGE. Thank you, Mr. Speaker.

On the question recurring,

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

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

* * *

The House proceeded to third consideration of **HB 835, PN 3555**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for scope of chapter relating to DNA data and testing, for the definitions of "DNA record" and "other specified offense," for DNA sample required upon conviction, delinquency adjudication and certain ARD cases and for expungement.

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—196

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

Clymer	Harhart	O'Neill	Turzai
Cohen	Harper	Pallone	Vance
Coleman	Harris	Payne	Veon
Cornell, S. E.	Hasay	Petrarca	Vitali
Corrigan	Hennessey	Petri	Walko
Costa	Herman	Petrone	Wansacz
Coy	Hershey	Phillips	Washington
Crahalla	Hess	Pickett	Waters
Creighton	Hickernell	Pistella	Watson
Cruz	Horsey	Preston	Weber
Curry	Hutchinson	Raymond	Wheatley
Dailey	James	Readshaw	Williams
Daley	Josephs	Reed	Wilt
Dally	Kenney	Reichley	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Keller	Lynch	Rieger	Wojnaroski
Killion	McIlhinney	Thomas	

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

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

* * *

The House proceeded to third consideration of **HB 2071, PN 2772**, entitled:

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

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

Ms. **MANDERINO** offered the following amendment No. **A0969**:

Amend Bill, page 2, by inserting between lines 7 and 8 Section 2. Section 9543.1(a)(2) of Title 42 is amended to read:
§ 9543.1. Postconviction DNA testing.

(a) Motion.—
* * *

(2) The evidence may have been discovered either prior to or after the applicant's conviction. The evidence shall be available for testing as of the date of the motion. If the evidence was discovered prior to the applicant's conviction, the evidence shall not have been subject to the DNA testing requested because the technology for testing was not in existence at the time of the trial [or, because the applicant's counsel did not seek testing at the time of the trial [in a case where a verdict was rendered on or before January 1, 1995,] or because the applicant's counsel sought funds from the court to pay for the testing because his

client was indigent and the court refused the request despite the client's indigency.

* * *

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting
3

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

The **SPEAKER**. On that question, the Chair recognizes the gentledady, Ms. Manderino.

Ms. **MANDERINO**. Thank you, Mr. Speaker.

Mr. Speaker, this is a commonsense amendment that I hope all of the members of the House will support.

The bill in chief is removing a statute of limitations that would apply to the bringing of prosecutions of crimes in the case where there is DNA evidence, the notion being that DNA evidence does not lose its memory; it does not fade away; it is there and it is there to be tested, and I want to apply that same principle in my amendment to postconviction DNA testing.

In our current law we have an arbitrary date of January 1, 1995, and if the DNA evidence that you want to have tested was for a trial that happened before '95, you cannot do it – you are barred by the current legislation from doing it – and what I am saying is that the same notion with regard to DNA evidence should apply in all cases. I do not think that the Commonwealth has absolutely any reason that they would want to keep evidence that could exonerate somebody who was incarcerated if they are truly innocent. And so by removing this date, all we are saying is that if DNA evidence exists, it can be tested whether it is preconviction or postconviction, and I just think that makes a lot of sense, and I hope that all of the members of the House will support this amendment.

Thank you.

The **SPEAKER**. The Chair thanks the gentledady.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

Let me start off by saying that I oppose this amendment.

This issue has been around for some time. The postconviction DNA testing legislation was recently enacted in Act 109 of 2002, effective September 10 of 2002, only after many difficult meetings involving the ACLU (American Civil Liberties Union) and the Pennsylvania District Attorneys Association. The current law is the result of a long, hard-fought negotiation, but ultimately, the statute was supported both by the prosecutors and the ACLU. The amendment that the lady, Representative Manderino, offers today will undercut one of the key provisions agreed to by both sides in these negotiations.

Section 9543.1(a)(2), language sought to be amended, reflects the policy that a criminal defense attorney should not be permitted to use the postconviction DNA act to guarantee a retrial in every case in which identity was brought into issue. Specifically, under current law, if an offense was committed after 1995 and identity is an issue and DNA evidence might be relevant, the defense attorney must seek the DNA testing before or at the time of trial. He may not sit quietly and then, after the trial is over, use the DNA issue as grounds for a new trial, thereby manipulating the system into providing his client two opportunities at acquittal before the jury, or in a capital case, providing his client several more years' delay in carrying out the sentence.

During the negotiations of Act 109, the ACLU raised the counterargument that perhaps the trial occurred before the knowledge of DNA evidence was widely known, so the defense attorney did not know to raise the issue at trial. The Pennsylvania District Attorneys Association agreed, this was a legitimate concern, suggested that the requirement for raising the issue before trial be eliminated for trials prior to 1991 when the use of DNA evidence became widely known. The ACLU demanded the date be 1995, and the Pennsylvania District Attorneys Association ultimately gave in on that issue. Now this amendment proposes to eliminate even the 1995 date.

Under this amendment, all defense attorneys in cases involving DNA testing are given an incentive not to seek DNA testing in hopes that they can get an acquittal in the first jury trial without it. The incentive is that by not requesting it at the first trial, he is basically building grounds on which to seek to have the first conviction vacated and the defendant retried, due to his failure to have it done the first time. Again, such unscrupulous practices would be doubly rewarded, since at a minimum, the postconviction DNA litigation and testing would further delay the carrying out of the sentence. In other words, where the defendant consciously chose not to seek pretrial DNA testing because he feared the results would harm his case, why should he be afforded another opportunity to manipulate the system? The amendment encourages gamesmanship by criminal defense attorneys and will result in the costly waste of judicial resources and an unfair advantage for manipulative criminals.

Please oppose this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise also to oppose this amendment, and let me disagree with my distinguished maker of the amendment. I do not believe it is a commonsense amendment. I think the amendment is better addressed to the Post Conviction Relief Act, which the General Assembly passed in 2002, and it is very complicated, but let me just try and make some common sense out of it.

Under the Post Conviction Relief Act, what it says, if you are convicted of a crime before 1995, you can ask for a new trial and bring in all the DNA evidence you want. But in 1991, according to the courts, DNA became a recognized tool, not only of prosecution but also to exonerate the innocent. But we did not go with 1991. We made it even more manageable by making the date, the cutoff date, in 1995, meaning that after 1995, you must use the available DNA evidence at your trial.

Now, let us assume somebody was convicted in 1996 and the DNA evidence was not available but DNA evidence was discovered several years later, in 1998. That DNA evidence can be used to exonerate the innocent. But if it was available in 1996 at the time of trial and was not used, because that was your strategy, it does not give a criminal a second bite at the apple.

This amendment does not belong in this DNA legislation package which is being considered by the House today. If the maker of the amendment has a problem with the 1995 date and the Post Conviction Relief Act, amend that law, but it does not belong in these bills. It will lead to an avalanche of second bites at the apple in the Pennsylvania court system, which may be the reason for it.

We have a very strong package of DNA legislation here being presented before the House, and I think this amendment certainly clouds the eventual success of this legislation. So I would ask for a negative vote. I think it weakens the law, and we need to pass this bill as it is.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman is in order.

Mr. HORSEY. Mr. Speaker, can I flip the legislation for a second and ask you about prosecutions? Is there a limitation on prosecutions, on how far a prosecutor can go back in terms of DNA? Can a prosecutor pursue a case with DNA back to 1994?

Ms. MANDERINO. I am going to give you an answer to the best of my understanding. Under certain instances in the law today, the answer is yes, but not under all. This bill that I am attempting to amend expands it even further; meaning, expands the list of crimes for which, if DNA evidence becomes available, it would have in essence tolled the statute of limitations. The practical effect meant that we are now expanding the list of crimes for prosecution, that if there becomes evidence later, they can still bring a crime regardless of whether there would have otherwise been a statute of limitations. And that is the reason why I am trying to do what I am doing here, because if it makes sense to do it on the front end, my argument is it makes sense on the back end, and at the time when this date was agreed to, they were not talking about tolling statutes of limitations, and now we are.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment?

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I am supporting the amendment, because in our discussions about why we should be against 1995, no one has told me or convinced me why we even have a timeframe on DNA. DNA information does not get stale. If we have to go back to 1970, 1955, and we can prove a man innocent with the DNA information from that particular test, then, you know, I do not understand what the problem is. If we can prove that a man or a woman is innocent of a particular crime, you would think that the doctrine of equal protection and protecting all citizens equally would demand that we not hold anyone who possibly could be innocent of a particular crime. The fact that we put a limitation of '91 or '95, I do not understand that. That means that everyone before '91 and '95, you know, they were obviously more guilty than the ones after '91 and '95 because they are not entitled to the DNA test, and it just – you talk about common sense – it just seems to appear ludicrous. So whatever it takes to prove that a man is either guilty or innocent to its fullest extent, the system should provide it.

Thank you, Mr. Speaker, and I would urge support of the Manderino amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority whip, who moves for a leave of absence

for the remainder of the day for the gentleman from Franklin, Mr. COY. Without objection, that leave will be granted.

CONSIDERATION OF HB 2071 CONTINUED

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I just want to briefly address two of the arguments that were made against this amendment.

First of all, I think that the argument about an agreed-upon date is a moot point when you go back to the law and you are proposing to change the status quo of the law as it was at the time that something was negotiated. I am not sure that it makes any sense to make an argument that, well, you cannot go back, some interest group, and try to redo things because we negotiated this. Well, first of all, it is not an interest group that is asking you to consider it; it is a member that is asking you to consider it. And the agreements that were made by all the parties back when this 1995 language went in were under a different set of circumstances, and what I am saying is, now if we are going to change the law under the recognition that DNA evidence does not go stale, does not lose its memory, does not disappear as an eyewitness might be but that it is there to be tested, then it ought to be there to be tested in all circumstances, and I do not think we have any reason in Pennsylvania that we would want to eliminate the possibility of an innocent person who is incarcerated from being able to prove his or her innocence, and if there is just one case in which you eliminate the costs of incarceration of somebody who has a life sentence, for example, for a murder that they did not commit, you will save tenfold the amount of money that might have been expended by a few additional tests.

That is the other point that I want to raise, is the notion that this is going to lead to an avalanche of requests for new testing just does not make sense, because there are already plenty of instances in the current law which you can request tests, and there are already provisions in the Post Conviction Relief Act where you can challenge the ineffectiveness of your counsel on a lot of other grounds, and to put forth an argument that defendants or defendants' counsel are going to risk the chance of life or death of their client by not requesting evidence in order to get a second bite of the apple, to me, is an exaggerated circumstance that I just do not think happens in reality.

I think what happens in reality is that you have a few cases that fall into this timeframe in this exception that now does not make sense if we are going to acknowledge the life longevity of DNA evidence and DNA testing, and I just ask that we make our laws fair, and this is really an argument about fairness in the system, and I ask for your affirmative vote.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence is requested for the gentleman from Lancaster, Mr. CREIGHTON. Without objection, that leave will be granted.

CONSIDERATION OF HB 2071 CONTINUED

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Could I ask for a little bit of order. I will not be long, but I would like people to hear.

The SPEAKER. The lady has a very valid point. There is entirely too much noise. The gentlelady is in order and may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I stand in support of the lady's amendment, and let me make another point very briefly.

If we have an innocent person who has been convicted for a crime, that, of course, is an injustice, which all of us ought to be interested in vindicating, but worse than that, it means that the person who did the crime is outside of the criminal justice system, thumbing his nose at the rest of us, putting others of our citizens and constituents in danger, because he or she may commit another crime.

If we really want to make the system work, if we really want to protect the citizens of this State from crime, we better make sure that the person who is in jail is the one who did the crime, and this will help us get there. I support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman from Philadelphia stand for interrogation? I know it is not his amendment, but I have one question to ask.

Mr. O'BRIEN. Go ahead.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, is there a statute on prosecutorial DNA?

Mr. O'BRIEN. There is no statute on the prosecution side or the defense side, Mr. Speaker. This does not take away the right of a defendant to test DNA. What it basically says is that the testing now, after 1995, has to be done pretrial or at the time of trial, and the issue can still be brought under the Post Conviction Hearing Act remedy. We are not taking away any rights; we are not extending any rights more to the prosecution or to the defense. DNA testing is going to be available to both sides. That is the purpose of this bill.

Mr. HORSEY. But, Mr. Speaker, is there not a timeframe on when— We cannot go past 1995. Is that not correct, Mr. Speaker?

Mr. O'BRIEN. No; that is not true; that is not true.

Mr. HORSEY. Mr. Speaker, would you please explain that, that last comment? Where did 1995 come from, Mr. Speaker? We cannot use DNA prior to 1995.

Mr. O'BRIEN. If you were convicted before 1995, under existing law, you have the right to come back and say, we did not know about DNA; we want to have it tested. After 1995, then what we are saying under current law, you have to request that testing pretrial or at the time of trial or you can say that your lawyer was incompetent and litigate it under the Post Conviction Hearing Act with a whole host of other types of appeals.

Mr. HORSEY. Just one last question, Mr. Speaker. What is the fee for DNA testing?

Mr. O'BRIEN. If the question that the gentleman is asking is, if you request DNA testing and the court orders it and you cannot afford it, that is grounds to come back.

Mr. HORSEY. No, Mr. Speaker. The question is, what is the fee for DNA testing? What is the cost of DNA testing?

Mr. O'BRIEN. I do not know what the fee is, but it is not a barrier to have the testing done.

Mr. HORSEY. Okay. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

The SPEAKER. The gentleman is in order.

Mr. HORSEY. Mr. Speaker, it is 1990 and a young lady has been raped, and she has seen the tattoo on the man's arm, and the tattoo is whatever it is. It is the year 2000, and another woman has been raped, and she sees the exact same tattoo. Under this bill, we cannot pursue the man who did the rape in 1990, because we are limited with DNA, which he may have left at the scene of the rape in 1990, because we cannot pursue anything past 1995.

There is no logic to it, Mr. Speaker. If the DNA evidence does not get stale, why do we have a 1995 date on it, when there are crimes committed prior to 1995 that DNA could help prove? You know, whether it is prosecution or whether it is conviction, we need to be a just system. We need to pursue justice and not fool around with the costs and not fool around with time limits.

And with that, I would urge support of the Manderino amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

I am just going to sum up.

The gentlelady from Philadelphia, the maker of the amendment, said that it was an exaggeration talking about rape victims. Let me just suggest to the members of this House what this amendment is really about. What we are talking about are women who are victims of violence – victims of violence. This does set up a second bite of the apple. Think of the consequences to that rape victim, Mr. Speaker. If that rape victim went through the rigors and the trauma of the first trial and there was a conviction and she felt that justice was done, only to find that under this amendment the defendant gets a second bite of the apple, and she has gone through counseling, the second trial will have irreversible trauma visited upon her, and that is really the issue that we are debating here, Mr. Speaker. There is no reason for this. This is an old issue, and I ask for a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

At the real risk of beating a dead horse, I just want to clear up some of the misconceptions, I think, or misunderstandings that the gentleman, the previous speaker, had on this bill.

Understand that if you committed and were convicted of a crime in 1955, '65, '75, '85, '94 and in the year 2004 DNA evidence was discovered which would exonerate you from that crime, you can be exonerated and found innocent. The Post Conviction Relief Act says that after 1995, when the entire world was well aware of the value of DNA and it is widely used in your defense and in your prosecution, if you were convicted

of a crime in 1997, you have a difficult time applying for any new trials, because that DNA convicted you, or if you did not use the DNA that was available, that was your strategy during your trial, you cannot come back in 2005 and say, oh, I want a new trial. Before 1995, for 100 years before 1995, you can.

Understand the difference, and I ask for a negative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—53

Bebko-Jones	Frankel	Markosek	Stetler
Belardi	Freeman	Melio	Sturla
Bishop	Gruitza	Mundy	Surra
Butkovitz	Haluska	Myers	Tangretti
Buxton	Horsey	Petrone	Travaglio
Cawley	James	Pistella	Vitali
Cohen	Josephs	Preston	Walko
Costa	Kirkland	Roberts	Wansacz
Cruz	LaGrotta	Roebuck	Washington
Curry	Leach	Rooney	Waters
DeLuca	Levdansky	Ruffing	Wheatley
Dermody	Manderino	Scrimenti	Williams
Diven	Mann	Solobay	Youngblood
Evans, D.			

NAYS—140

Adolph	Fabrizio	Lescovitz	Rubley
Allen	Fairchild	Lewis	Sainato
Argall	Feese	Mackereth	Samuelson
Armstrong	Fichter	Maher	Santoni
Baker	Fleagle	Maitland	Sather
Baldwin	Flick	Major	Saylor
Bard	Forcier	Marsico	Scavello
Barrar	Gabig	McCall	Schroder
Bastian	Gannon	McGeehan	Semmel
Belfanti	Geist	McGill	Shaner
Benninghoff	George	McIlhattan	Smith, B.
Bianucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Staback
Blaum	Gingrich	Micozzie	Stairs
Boyd	Godshall	Millard	Steil
Browne	Good	Miller, R.	Stern
Bunt	Goodman	Miller, S.	Stevenson, R.
Caltagirone	Grucela	Mustio	Stevenson, T.
Cappelli	Habay	Nailor	Taylor, E. Z.
Casorio	Hanna	Nickol	Taylor, J.
Causar	Harhai	O'Brien	Tigue
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Coleman	Harris	Pallone	Vance
Cornell, S. E.	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Watson
Crahalla	Herman	Petri	Weber
Dailey	Hershey	Phillips	Wilt
Daley	Hess	Pickett	Wright
Dally	Hickernell	Raymond	Yewcic
Denlinger	Hutchinson	Readshaw	Yudichak
DiGirolamo	Kenney	Reed	Zug
Donatucci	Kotik	Reichley	
Eachus	Laughlin	Rohrer	
Egolf	Lederer	Ross	Perzel,
Evans, J.	Leh		Speaker

NOT VOTING—0

EXCUSED—10

Coy	Keller	McIlhinney	Thomas
Creighton	Killion	Rieger	Wojnaroski
DeWeese	Lynch		

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The gentleman, the minority whip, wishes a leave of absence for the gentleman from Greene, Mr. DeWEESE. Without objection, that leave will be granted.

CONSIDERATION OF HB 2071 CONTINUED

On the question recurring,
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—193

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

Cruz	Horsey	Pistella	Watson
Curry	Hutchinson	Preston	Weber
Dailey	James	Raymond	Wheatley
Daley	Josephs	Readshaw	Williams
Dally	Kenney	Reed	Wilt
DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DiGirolamo	Laughlin	Rohrer	Yudichak
Diven	Leach	Rooney	Zug
Donatucci	Lederer	Ross	
Eachus	Leh	Rubley	
Egolf	Lescovitz	Ruffing	Perzel,
Evans, D.	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Coy	Keller	McIlhinney	Thomas
Creighton	Killion	Rieger	Wojnaroski
DeWeese	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 2396, PN 3373**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for the definitions of "crime" and "personal injury crime."

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—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Coy	Keller	McIlhinney	Thomas
Creighton	Killion	Rieger	Wojnaroski
DeWeese	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 2398, PN 3556**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children and other missing persons.

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

Mr. **GABIG** offered the following amendment No. **A0850**:

Amend Sec. 1 (Sec. 2908), page 5, lines 2 through 7, by striking out all of said lines and inserting

(d) Use of DNA samples following a missing person's return location or positive identification.—

(1) Unless, within 90 days after a missing person is returned, located or positively identified, a district attorney provided notice to the Pennsylvania State Police that good cause exists to believe that a criminal offense has occurred relating to the disappearance of the missing person and that a submitted DNA sample or the results of any forensic DNA analysis conducted thereon may be evidence in the prosecution of the offense, all DNA samples received under subsection (b) and the results of any forensic analysis performed on the samples shall be destroyed within 30 days after the time for providing notice has expired.

(2) Notice from the district attorney shall specifically state the offense which he has good cause to believe has occurred.

(3) If a prosecution of the stated offense is not commenced during the applicable period of limitations set forth in 42 Pa.C.S. Ch. 55 (relating to limitations on time), the DNA samples received under subsection (b) and the results of any forensic DNA analysis performed thereon shall be destroyed.

(e) Confidentiality.—

Amend Sec. 1 (Sec. 2908), page 5, line 8, by striking out “(2)” and inserting

(1)

Amend Sec. 1 (Sec. 2908), page 5, line 11, by striking out “(3)” and inserting

(2)

Amend Sec. 1 (Sec. 2908), page 5, line 19, by striking out “(4)” and inserting

(3)

Amend Sec. 1 (Sec. 2908), page 5, line 25, by striking out “(e)” and inserting

(f)

Amend Sec. 1 (Sec. 2908), page 6, line 5, by striking out “(f)” and inserting

(g)

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

The following roll call was recorded:

YEAS—193

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

Cawley	Harhart	Oliver	True
Civera	Harper	O'Neill	Turzai
Clymer	Harris	Pallone	Vance
Cohen	Hasay	Payne	Veon
Coleman	Hennessey	Petrarca	Vitali
Cornell, S. E.	Herman	Petri	Walko
Corrigan	Hershey	Petrone	Wansacz
Costa	Hess	Phillips	Washington
Crahalla	Hickernell	Pickett	Waters
Cruz	Horsey	Pistella	Watson
Curry	Hutchinson	Preston	Weber
Dailey	James	Raymond	Wheatley
Daley	Josephs	Readshaw	Williams
Dally	Kenney	Reed	Wilt
DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DiGirolamo	Laughlin	Rohrer	Yudichak
Diven	Leach	Rooney	Zug
Donatucci	Lederer	Ross	
Eachus	Leh	Rubley	
Egolf	Lescovitz	Ruffing	Perzel,
Evans, D.	Levdansky	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Coy	Keller	McIlhinney	Thomas
Creighton	Killion	Rieger	Wojnaroski
DeWeese	Lynch		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 2398 CONTINUED

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **HB 2430, PN 3558**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for unidentified dead bodies and fetal remains.

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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **HB 2429, PN 3557**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for DNA sample required upon conviction, for delinquency adjudication, for certain ARD cases and for expungement; and providing for good faith in collection of DNA sample.

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

Mr. **SOLOBAY** offered the following amendment No. **A0980**:

Amend Title, page 1, line 2, by inserting after "providing"
for the Constables' Education and Training
Account,

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting

Section 1. Section 2949 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:
§ 2949. Restricted account.

(a) Account established.—There is hereby established a special restricted account within the General Fund, which shall be known as the Constables' Education and Training Account, for the purposes of financing training program expenses, the costs of administering the program and all other costs associated with the activities of the board and the implementation of this subchapter and as provided under subsection (f).

(b) Surcharge.—There is hereby assessed as a cost in each case before a district justice a surcharge of \$5 per docket number in each criminal case and \$5 per named defendant in each civil case in which a constable or deputy constable performs a service provided in this subchapter, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

(c) Disposition of funds.—The surcharges collected under subsection (b), if collected by a constable or deputy constable shall be turned over within one week to the issuing authority. The issuing authority shall remit the same to the Department of Revenue for deposit into the account.

(d) Disbursements.—Disbursements from the account shall be made by the commission.

(e) Audit.—The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to time, but not less than once every three years.

(f) Fund surplus.—If account moneys are sufficient to meet the expenses and costs under subsection (a), the commission may allocate

any surplus funds in the account to assist constables and deputy constables with costs associated with attendance at continuing education programs under section 2946 (relating to continuing education).

Section 2. Section 4716 of Title 42 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 13, by striking out “2” and inserting
3

Amend Sec. 3, page 3, line 11, by striking out “3” and inserting
4

Amend Sec. 4, page 3, line 24, by striking out “4” and inserting
5

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—194

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

Eachus	Lederer	Ross	
Egolf	Leh	Rubley	Perzel,
Evans, D.	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnarowski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **HB 2438, PN 3449**, entitled:

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

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

Mr. **DALLY** offered the following amendment No. **A1508**:

Amend Sec. 1 (Sec. 8802), page 3, line 13, by inserting after “court.”

When so ordering, the method of obtaining any nontestimonial identification under this chapter shall, consistent with the purpose of the request, be the least intrusive method available.

Amend Sec. 1 (Sec. 8804), page 3, line 30, by striking out “take” and inserting

detain

Amend Sec. 1 (Sec. 8804), page 4, line 1, by striking out “into custody”

Amend Sec. 1 (Sec. 8805), page 4, line 27, by removing the period after “obtained” and inserting
and a statement that the requested method of obtaining the particular type of nontestimonial identification is the least intrusive method available consistent with the purpose of the request.

Amend Sec. 1 (Sec. 8806), page 5, line 10, by striking out “take” and inserting

detain

Amend Sec. 1 (Sec. 8806), page 5, line 11, by striking out “into custody” and inserting

for the purpose of obtaining the court-ordered nontestimonial identification

Amend Sec. 1 (Sec. 8806), page 6, line 11, by inserting after “order.”

Any corroborative evidence relied upon by the court in making its determination shall be documented and attached as an addendum to the application.

Amend Sec. 1 (Sec. 8807), page 7, line 4, by striking out “taking into custody” and inserting

detention

Amend Sec. 1 (Sec. 8807), page 7, line 7, by striking out “take a person into custody” and inserting

detain a person

Amend Sec. 1 (Sec. 8808), page 9, line 3, by striking out “They” and inserting

Except as otherwise provided in this chapter, they

Amend Sec. 1 (Sec. 8808), page 9, line 13, by striking out “by” and inserting

in

Amend Sec. 1 (Sec. 8809), page 11, by inserting between lines 3 and 4

(f) Notice to person charged.—Any person, other than the person named in the nontestimonial identification order, who is charged with an offense listed in the application shall be given notice that a nontestimonial identification order was requested under this chapter which shall contain the following:

(1) The judicial district in which the order was requested.

(2) The type of nontestimonial identification requested.

(3) Whether the request was granted or denied.

(4) The name of the judge assigned to review the application.

(5) If applicable, whether the products of the nontestimonial identification procedures, and all copies thereof, have been expunged.

(6) Notice that the person or his attorney may request that the issuing court permit an in-camera review of all records pertaining to the request which are in the custody of the court.

Amend Sec. 1 (Sec. 8811), page 11, line 20, by striking out “involving the defendant”

Amend Sec. 1 (Sec. 8812), page 11, line 23, by inserting before “If”

(a) General rule.—

Amend Sec. 1 (Sec. 8812), page 11, lines 27 through 29, by striking out “the person named in the affidavit may request that a” in line 27, all of line 28, “why” in line 29 and inserting
absent good cause shown,

Amend Sec. 1 (Sec. 8812), page 11, line 29, by striking out “should not direct” and inserting

shall direct, as appropriate,

Amend Sec. 1 (Sec. 8812), page 12, lines 1 and 2, by striking out “Absent good cause shown, the court shall” in line 1 all of line 2 and inserting

(b) Other expungement.—If, upon the showing of good cause, the issuing court does not order that the products of the nontestimonial identification procedures, and all copies thereof, be expunged, the person named in the affidavit may, at any time, request that a rule be issued upon the applicant to show cause, if any exists, why the issuing court should not direct that the products of the nontestimonial identification procedures and all copies thereof, be expunged. Any person charged with an offense listed in the application shall be provided with a copy of any rule issued under this subsection and shall be afforded an opportunity to be heard.

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Sainato
Allen	Fabrizio	Lewis	Samuelson
Argall	Fairchild	Mackereth	Santoni
Armstrong	Feese	Maher	Sather
Baker	Fichter	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Mr. Dally, who submits remarks for the record.

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

Thank you, Mr. Speaker.

DNA evidence has revolutionized the justice system in our State and nation. It is very important that we use this science to fairly enhance law enforcement capabilities.

Enacting my bill will lead to a more effective and accurate identification of criminals and also provide a basis for exoneration of those who have been wrongly accused.

DNA evidence is considered to be “nontestimonial” and therefore not subject to Fifth Amendment protection – that is, the right to remain silent and the right to legal counsel.

Despite this, under current Pennsylvania law, absent an individual’s consent, law enforcement is unable to require a person to provide DNA unless probable cause exists to believe that a crime has occurred and that the person sought to be searched committed the crime and, based on this belief, a search warrant is obtained.

The application process used in this legislation to obtain an order for “nontestimonial” identification evidence mirrors Pennsylvania’s wiretap law, and it also takes into consideration the process contained in the Pennsylvania Rules of Criminal Procedure relating to search warrants. Additionally, this legislation will standardize the process by which other forms of “nontestimonial” identification, such as fingerprints, photos, and lineups, are obtained and will also provide a statutory basis to ensure that defendants have access to these procedures as well.

This legislation is based on the Colorado statute that led to the apprehension and identification of notorious Philadelphia serial killer/rapist Troy Graves and would create a new chapter in our law.

My legislation would give law enforcement a powerful new tool in determining who committed crimes where there are several possible suspects, by enabling them to obtain a court order to compel DNA samples, fingerprints, handwriting, voiceprints, et cetera, that will exclude and exonerate from suspicion individuals who are suspects but are innocent.

My goal with HB 2438 is to aid law enforcement by providing a means for timely capture or exoneration for crimes such as murder and rape.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **SB 751, PN 1432**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for respiratory care practitioners; and providing for continuing respiratory care education.

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-194

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **SB 752, PN 1433**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for temporary respiratory care permits; and providing for continuing education.

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

Mr. **CIVERA** offered the following amendment No. **A1542**:

Amend Title, page 1, line 10, by inserting after "~~education.~~" definitions, for licensing of physician assistants and for

Amend Bill, page 1, lines 15 through 18, by striking out all of said lines and inserting

Section 1. The definitions of "certification" and "physician assistant" in section 2 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, are amended to read:

Section 2. Definitions.

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

* * *

"Certification." The approval [of individuals by the board to serve as physician assistants. It shall also mean the approval] of programs by the board for the training and education of physician assistants.

* * *

"Physician assistant." A person [certified] licensed by the board to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

* * *

Section 2. Sections 3 and 5(d) of the act are amended to read:

Section 3. Practice of osteopathic medicine and surgery without license prohibited.

It shall be unlawful for any person to engage in the practice of osteopathic medicine and surgery, or pretend to a knowledge of any branch or branches of osteopathic medicine and surgery, or to hold himself out as a practitioner in osteopathic medicine and surgery, or to assume the title of Doctor of Osteopathic Medicine and Surgery or doctor of any specific disease, or to diagnose diseases or to treat diseases by the use of osteopathic medicine and surgery or by any other means, or to sign any birth or death certificate unless otherwise authorized by law, or to hold himself out as able to do so, unless he has received a certificate of licensure or permission from the board which license shall be recorded in the office of the board. Nothing in this act shall be construed to prohibit services and acts rendered by a qualified physician assistant, technician or other allied medical person if such services and acts are rendered under the supervision, direction or control of a licensed physician. It shall be unlawful for any person to practice as a physician assistant unless [certified] licensed and approved by the board. It shall also be unlawful for any physician assistant to render medical care and services except under the supervision and direction of the supervising physician.

Section 5. Standards for osteopathic medical training and facilities.

* * *

(d) Requirements for the certification of training and educational programs for licensure of physician assistants shall be formulated by the board in accordance with such national criteria as are established by national organizations or societies as the board may accept.

Section 3. Section 10(f), (j) and (m) of the act, amended December 20, 1985 (P.L.398, No.108), are amended to read:

Section 10. Licenses; exemptions; nonresident practitioners; graduate students; biennial registration and continuing medical education.

* * *

(f) The board shall grant [certification] licensure to physician assistants which [certification] licensure shall be subject to biennial renewal by the board. The board shall grant [certification] licensure to applicants who have fulfilled the following criteria:

(1) Satisfactory performance on a proficiency examination approved by the board.

(2) Satisfactory completion of a certified program for the training and education of physician assistants approved by the board.

(3) For candidates for initial licensure after January 1, 2005, obtainment of a baccalaureate or higher degree from a college or university and completion of not fewer than 60 clock hours of didactic instruction in pharmacology or other related courses as the board may approve by regulation.

In the event that completion of a formal training and educational program is a prerequisite to taking the proficiency examination, the board shall have the power, if it determines that the experience of the applicant is of such magnitude and scope so as to render further formal training and education nonessential to the applicant in assisting a physician in the provision of medical care and services, to waive the training and education requirements under this section.

* * *

(j) Nothing in this act shall be construed to permit a [certified] licensed physician assistant to practice osteopathic medicine without the supervision and direction of a licensed physician approved by the appropriate board, but such supervision and direction shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered.

* * *

(m) The physician assistant being [certified] licensed in this act and functioning under the supervision of the physician defines his/her status as an employee and subject to the normal employer/employee reimbursement procedures.

* * *

Section 4. Section 10.2(b) of the act, added July 2, 1993 (P.L.418, No.59), is amended and the section is amended by adding a subsection to read:

Amend Bill, page 11, by inserting between lines 1 and 2

Section 5. Section 15(b) and (c) of the act, amended December 10, 2001 (P.L.863, No.93), are amended to read:

Section 15. Reasons for refusal, revocation or suspension of license.

* * *

(b) The board shall have authority to refuse, revoke or suspend the [certification] license of a physician assistant, or the certification of a respiratory care practitioner or certified athletic trainer for any or all of the following reasons:

(1) Failing to demonstrate the qualification for licensure or certification contained in this act or regulations of the board.

(2) Making misleading, deceptive, untrue or fraudulent representations in his serving as a physician assistant; practicing fraud or deceit in obtaining a [certification] license to serve as a physician assistant; or making a false or deceptive biennial registration with the board.

(3) Conviction of a felony in this Commonwealth or any other state, territory or country. Conviction as used in this paragraph shall include a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere, or receiving probation

without verdict, disposition in lieu of trial, or an Accelerated Rehabilitative Disposition in the disposition of felony charges.

(4) Having his [certification] license to serve as a physician assistant revoked or suspended or having other disciplinary action taken, or his application for [certification] licensure refused, revoked or suspended by the proper certifying authority of another state, territory or country.

(5) Being unable to serve as a physician assistant with reasonable skill and safety to the physician's patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition.

(6) In enforcing paragraph (5), the board shall, upon probable cause, have authority to compel a physician assistant to submit to a mental or physical examination by physicians designated by it. Failure of a physician assistant to submit to such examination shall constitute an admission of the allegations against him unless the failure is due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician assistant affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent assistance of a physician in the physician's practice of medicine, with reasonable skill and safety to the physician's patients.

(7) Violating a lawful regulation promulgated by the board or violating a lawful order of the board, previously entered by the board in a disciplinary proceeding.

(8) Knowingly rendering medical care and services except under the supervision and direction of the supervising physician.

(9) Being guilty of immoral or unprofessional conduct shall include any departure from, or the failure to conform to, the standards of acceptable and prevailing practice for physician assistants, in which proceeding actual injury to a patient need not be established.

(c) Whenever the board finds that the license or a certificate of a person may be refused, revoked or suspended under the terms of this act, the board may:

(1) Deny the application for a license or certificate.

(2) Administer a public or private reprimand.

(3) Revoke, suspend, limit, or otherwise restrict a license or certificate.

(4) Require a licensee [or physician assistant] to submit to the care, counseling, or treatment of a physician or physicians designated by the board.

(5) Suspend enforcement of its finding thereof and place a licensee [or physician assistant] on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue a license to practice osteopathic medicine and surgery or [certification] licensure as a physician assistant, and impose any disciplinary or corrective measure which it might originally have imposed.

Section 6. Section 16.4(d) of the act, amended May 6, 1987 (P.L.10, No.3), is amended to read:

Section 16.4. Radiologic procedures.

(d) No auxiliary personnel who has or obtains a license, a certificate or registration issued by, or on behalf of, a board within the Bureau of Professional and Occupational Affairs or a comparable board of another state, or who has obtained certification or licensure as the result of satisfactory completion of a test and an educational course accredited by an accrediting body recognized by the board, shall be required to undergo any additional education or testing pursuant to this section if radiologic procedures were included in the education or the examination which he or she was required to complete successfully in

order to be eligible for such license, certificate, registration or certification.

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

7

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **HB 2273, PN 3496**, entitled:

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for examinations requisite for appointment and promotion.

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

Mr. **CRUZ** offered the following amendment No. **A1534**:

Amend Title, page 1, line 14, by removing the period after “promotion” and inserting

and for nature of examinations.

Amend Sec. 1, page 1, line 17, by striking out “Section 501” and inserting

Sections 501 and 502

Amend Sec. 1, page 1, line 19, by striking out “is” and inserting are

Amend Sec. 1, page 4, by inserting between lines 19 and 20

Section 502. Nature of Examinations.—The director shall give examinations in English and in Spanish to establish employment and promotion lists. Such examinations may be written or oral, or a demonstration of skill, or an evaluation of experience and education, or a combination of these, which shall fairly appraise the fitness and ability of competitors. Such examinations shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall fairly test the relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted. An applicant may be required to possess scholastic education qualifications only if the position for which the applicant is being examined requires professional or technical knowledges, skills and abilities or if such scholastic qualifications are required to assure the continued eligibility of the Commonwealth for Federal grants-in-aid. No greater credit for experience gained during a provisional, emergency or temporary appointment under this act or acts repealed hereby shall be given to any person in any examination than is given in such examination for experience in the same type of work performed in a similar position not under the provisions of this act or acts repealed hereby. In evaluating experience in order to compute the final rating in any examination to establish employment and promotion lists, persons discharged other than dishonorably, after active service during any war or armed conflict in which the United States engaged, from any branch of the armed service of the United States, or from any women’s uniformed service directly connected therewith, shall not be given less credit for experience than would be given for continued experience in the

position held at the time of induction in the service. No question in any examination shall relate to the race, gender, religion or political or labor union affiliation of the candidate.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Cruz, for a brief explanation of the amendment.

Mr. CRUZ. Mr. Speaker, I was figuring out that we had a little bit of problems with the civil service exams. I was trying to introduce legislation where we can get some of the testing done in Spanish.

Just this morning I went over to the ATM machine (automatic teller machine), and it gave me the option to do my transaction in English and Spanish, and for the constituency that we have in Pennsylvania of Latino descent, I figured maybe if we introduce some kind of legislation where we can have the civil service exam in English and Spanish, so that is the purpose of my amendment today.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

I just want to be clear what this does. This—

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

Mr. VITALI. Now, as I understand it, this amendment requires that every civil service examination given by the Commonwealth be given in Spanish as well as English?

Mr. CRUZ. Not every single one. We need to review the majority of these exams, to give the people a benefit and a chance to take these exams in Spanish, not that they do not understand the English language, but being the number one minority group, I think that we should be able to give them the opportunity to have it in Spanish also.

Mr. VITALI. Okay. I am trying to get at, what is the criteria, because when I was in State Government Committee listening to the discussion, it was my understanding that all civil service exams are required to be given in Spanish also. If that is not the case, tell me how many are required under your amendment to be given in Spanish.

Mr. CRUZ. When we spoke to the people from the civil service exam, they said there were about 300.

Mr. VITALI. Right. And of those 300 civil service exams, how many does your amendment require to be given in Spanish?

Mr. CRUZ. At the time I did not know there were 300. I am asking for the most important ones, the ones that deal with people that have to deal with the day-in-and-day-out public, that need to have Hispanics working in these positions.

Mr. VITALI. But this specific amendment we are dealing with, how many of those 300 does this amendment require to be given in Spanish? All 300?

Mr. CRUZ. If possible.

Mr. VITALI. Well, I am just asking what the language of the amendment requires. How many does this require to be given in Spanish? Does it say all of them?

Mr. CRUZ. No; it does not say all of them.

Mr. VITALI. Does it say 299 of them?

Mr. CRUZ. No, it does not.

Mr. VITALI. How many?

Mr. CRUZ. What it is saying is to turn civil service exams to bilingual.

Mr. VITALI. All of them.

Mr. CRUZ. Yes.

Mr. VITALI. All of them.

Mr. CRUZ. I am assuming; yes; yes.

Mr. VITALI. Okay.

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

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

Mr. VITALI. I mean, I think the intent of the gentleman is very good, and I do not think that any minority group should be closed out of government employment for any reason, but the debate in State Government Committee, especially by the Civil Service Commission, raised some concerns, and my feeling is that this amendment needs to be tweaked and modified a bit. Under its current formulation, it would have some unintended consequences.

I think the reality is, with regard to some civil service positions, it is very important that the government employee, the provider of the service, in fact speak English, and therefore, it is fair under those circumstances, since that is the language in which the service will be administered, that that is the competitive grounds for the test to be taken.

In the discussion on the State Government Committee, the State Civil Service Commission representative also mentioned that for certain jobs that do in fact require a fluent knowledge of Spanish, there are certain supplementary tests that need to be taken, so that is taken into account for some reason.

So I just want to raise some concerns. Because I agree with what my colleague is trying to do, I raise these concerns reluctantly, but I just think that by requiring every civil service exam, all 300 of them, to be given in Spanish as well as English is not the best way to do it, and I think we just need to kind of modify it a bit.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for a very brief interrogation?

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

Mr. CLYMER. Mr. Speaker, has there been a fiscal note prepared for this amendment?

Mr. CRUZ. No, sir.

Mr. CLYMER. Well, Mr. Speaker, we really need a fiscal note on this, because there is a cost; there is a cost to the department of civil service. So I would ask that the amendment be defeated, simply because there is no fiscal note on this particular amendment, and indeed, there is a fiscal cost to civil service on this amendment.

AMENDMENT RULED OUT OF ORDER

The SPEAKER. The Chair agrees that there is a fiscal impact with this amendment.

Mr. CLYMER. The response was no.

The SPEAKER. The amendment is out of order.
Mr. CLYMER. Thank you.

The SPEAKER. The gentleman, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, at this time I am asking, can I interrogate the chairman of the committee?

The SPEAKER. The amendment is no longer before us, Mr. Cruz, but the gentleman indicates that he will stand for interrogation.

Mr. CRUZ. Mr. Speaker, I just wanted to find out if there is any possible way that in the future we will have public hearings on this matter?

Mr. CLYMER. Mr. Speaker, what I had mentioned to the gentleman in committee was that we would do an informational hearing on his amendment, and that was agreed to by the people who were there from the department of civil service. They agreed to come. We would do an informational hearing, informal hearing, to determine how that amendment would impact on the department of civil service, and as I mentioned to the maker of the amendment, that we would do that later on in the year. He understood that we have kind of a full plate up through the primary, but the first opportunity we have, we will be glad to have that hearing for the gentleman from Philadelphia.

On the question recurring,
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?

The bill has moved to final passage.
Does the gentleman, Mr. Cruz, wish to be recognized?
Mr. CRUZ. Mr. Speaker?

The SPEAKER. Yes, sir.

Mr. CRUZ. Can we ask for a suspension of the rules so we can offer a fiscal note?

DECISION OF CHAIR RESCINDED

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

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Cruz, for the purpose of suspension of the rules.

On that motion, Mr. Cruz, which is debatable by the floor leaders. I am assuming the floor leader is giving you the floor.

The gentleman, Mr. Cohen.

Mr. COHEN. We yield to Mr. Cruz.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cruz.

Mr. CRUZ. So, Mr. Speaker, I am making a motion to suspend the rules.

The SPEAKER. To offer amendment A1534?

Mr. CRUZ. To consider my amendment without a fiscal note, sir.

The SPEAKER. The gentleman wishes to suspend the rules to immediately bring before the House amendment A1534 with no fiscal note.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Mr. Speaker, I had made a commitment to the gentleman that we would deal with this issue in committee, and I would ask that we not suspend the rules so that we can move the final bill, and we will deal with the issue. I will bring all the groups together so that we can sit down and move the bill. This would be a freestanding bill, and we would be glad to move it out of committee after we had our meeting.

So I would ask that we do not suspend the rules.

MOTION WITHDRAWN

The SPEAKER. Mr. Cruz.

Mr. CRUZ. Mr. Speaker, I withdraw that motion, so further we can investigate and have public hearings on this matter.

The SPEAKER. The Chair thanks the gentleman. The gentleman's motion is withdrawn.

The House has immediately before it HB 2273, PN 3496.

On the question recurring,
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?

The Chair recognizes the gentlelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Would it be possible to interrogate the prime sponsor of this bill?

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

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, this legislation addresses a problem that occurred for a constituent who was returning to Pennsylvania after having gone on and gotten further education in another State. My question to the prime sponsor is, with the concern that we all have for the brain drain in Pennsylvania, would it not be a good idea to further expand this legislation, if we have the opportunity, to include those students who pursue a higher education beyond high school in an out-of-State school, whether it be just for a bachelor's degree or if they are pursuing a master's or doctorate degree, so that if and when they would return to Pennsylvania, that they could compete for the civil service positions that are available, and, Mr. Speaker, is it your understanding that the way this legislation is currently written, that those students would not be eligible under the existing language?

Mr. ZUG. The answer, we believe, is yes. I do not have a problem with expanding the legislation, and we can certainly talk to our friends in the Senate to include more, basically Pennsylvania residents who leave to get some education in other States and want to come back home to where they grew up. I do not have a problem with that issue, and I will be happy to talk to the Senate about that. I do think that it is a brain drain problem, and we need to work around that issue.

Mrs. MILLER. Thank you, Mr. Speaker.

On the legislation?

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

Mrs. MILLER. Thank you, Mr. Speaker.

I rise in support of this legislation and certainly do encourage our colleagues in the Senate to look at expanding this legislation once it arrives there so that we can hopefully help stem the problem that we have in losing some of our young people who do pursue higher education outside of the boundaries of our Commonwealth, to be able to return to the Commonwealth and be competitive when applying for and seeking civil service positions, so in that, I encourage my colleagues to vote in favor of this and encourage this legislation eventually to be expanded.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

Curry	Hutchinson	Pistella	Watson
Dailey	James	Preston	Weber
Daley	Josephs	Raymond	Wheatley
Dally	Keller	Readshaw	Williams
DeLuca	Kenney	Reed	Wilt
Denlinger	Kirkland	Reichley	Wright
Dermody	Kotik	Roberts	Yewcic
DiGirolamo	LaGrotta	Roebuck	Youngblood
Diven	Laughlin	Rohrer	Yudichak
Donatucci	Leach	Rooney	Zug
Eachus	Lederer	Ross	
Egolf	Leh	Rubley	Perzel,
Evans, D.	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Janet and Walter Focht, Lucy Davis, and Arlene DeArmitt. They are guests here today of Representative Rick Geist and are here to witness the passage of HB 2378, the Jack E. Kuhn Memorial Highway. They are located to the left of the Speaker. Would those guests please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2378, PN 3356**, entitled:

An Act designating a portion of State Route 4013 in Blair County as the Jack E. Kuhn Memorial Highway.

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?

The Chair recognizes the gentleman, Mr. Geist.

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

Today is a very special day, and for the four folks behind me, a special day. There is one who could not be with us today, and his name is Joe Keirn, Sergeant Keirn, and he is a 35-year veteran of the U.S. Army, retired as a top sergeant, has a

radiator works in Altoona, and on top of all that, he has the definitive museum on the Battle of the Bulge and a collection that is just par excellence, and I would invite anybody here today, that if they want to see a wonderful, wonderful World War II history, to come to Joe’s private museum.

Today we are here to honor Jack Kuhn, and Jack Kuhn was an amazing man. I am sure that many of you have had the opportunity of watching the movie “D-Day,” and during D-Day, the cliffs over on the Normandy Invasion, the Germans were at the top of the cliffs. They had the 155mm howitzers there, and a very special group of American soldiers called Rangers assaulted those cliffs and climbed ropes to the top of that lofty peak, took the Germans on in a firefight that lasted for well over 48 hours. D-Company Rangers, out of that group that assaulted that hill, only 15 of D-Company survived.

Sergeant Kuhn was a hero in that operation, because they located the 155mm howitzers, and Jack Kuhn and Sergeant Lomell, at the risk of their lives, went around the Germans that were there and spiked those guns with thermite grenades. They not only made one trip but they made two trips.

Jack Kuhn’s history did not end there. He fought his way through Europe. In an action for Hill 400 he was an even greater hero than he was when they took the Normandy Beach. He was severely wounded in action and was shipped out, and when he got back to the shores of the English Channel, he went AWOL (absent without leave), went back to his unit; hitchhiked on trucks and went back 300 miles, rejoined his unit. They were going to throw him out, and the next day the Battle of the Bulge happened, and Jack stayed and fought and continued on through the end of World War II.

He came back to Altoona, became a policeman in Altoona. When the Korean War started – and for Merle Phillips and others who were in the Marine Corps – Jack went back in, reenlisted, and was a member of the Marine Corps Recon. He had an unbelievable military history. He came back from Korea and worked his way up and became police chief of the city of Altoona, and I got to know Jack very well, and you know, this is one of those unassuming heroes. A guy that won a couple Silver Stars, the Bronze Star, and decorations that you cannot believe, you would have never known for a minute that this guy was ever a war hero.

He ended his career after retiring as police chief and was always active, and he drove a schoolbus, and the kids just absolutely loved and adored him.

I think there is no fitting honor that could be bestowed upon Jack than to have Chestnut Avenue in Altoona named the “Jack Kuhn Highway.”

I would ask for an affirmative vote, and I would hope that Jack is looking down upon us and will smile and say, thank you. I think he was just a marvelous man who deserves this honor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

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

* * *

The House proceeded to third consideration of **HB 2405, PN 3381**, entitled:

An Act designating a certain bridge carrying SR 248 over Aquashicola Creek in Palmerton Borough, Carbon County, as the Colonel John Craig Memorial Bridge.

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—193

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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.

REPORT OF COMMITTEE ON COMMITTEES

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

The following report was read:

April 13, 2004

SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

STATE GOVERNMENT

Representative Russ Fairchild resigns from the House Standing Committee on State Government. Representative Daryl Metcalfe is appointed to fill the vacancy on the House Standing Committee on State Government.

These changes take effect immediately.

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2406, PN 3382**, entitled:

An Act redesignating the bridge on State Route 228 which passes over Interstate 79 in Cranberry Township, Butler County, as the 79th Infantry Division Memorial Bridge.

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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnarowski
DeWeese			

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

RESOLUTION PURSUANT TO RULE 35

Mr. FLEAGLE called up **HR 687, PN 3705**, entitled:

A Resolution designating the week of April 18 through 24, 2004, as "Volunteer Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Coy	Killion	McIlhinney	Thomas
Creighton	Lynch	Rieger	Wojnaroski
DeWeese			

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

The SPEAKER. There will be no further votes for today.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 409, PN 3742 (Amended) By Rep. O'BRIEN

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, providing for eligibility for sheriffs, deputy sheriffs and constables.

JUDICIARY.

HB 826, PN 3739 (Amended) By Rep. O'BRIEN

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; and providing for release of medical records and for certain court reporting.

JUDICIARY.

HB 2267, PN 3741 (Amended) By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for definitions, for notification and for immunity for good faith conduct relative to sexual offender registration.

JUDICIARY.

HB 2341, PN 3270 By Rep. O'BRIEN

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for public employer unit; and adding law enforcement officers of limited jurisdiction as an additional category of covered employee.

JUDICIARY.

HB 2397, PN 3738 (Amended) By Rep. O'BRIEN

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for the definition of "predatory," for registration procedures and applicability, for assessments, for hearings and for verification of residence as relates to registration of sexual offenders; and providing for information made available on the Internet.

JUDICIARY.

HB 2510, PN 3740 (Amended) By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a semiannual performance audit of registration of sexual offenders.

JUDICIARY.

SB 903, PN 1546 (Amended) By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for ten-year registration, for registration procedures and applicability, for notification and for exemptions from notification.

JUDICIARY.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

I am calling a committee meeting of Veterans Affairs and Emergency Preparedness at the back of the hall of the House.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Veterans Affairs and Emergency Preparedness Committee will be meeting at the back of the hall of the House immediately.

CHILDREN AND YOUTH COMMITTEE MEETING

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

I want to remind the members of the House Children and Youth Committee that we are meeting immediately in the Irvis Building, in room 302; that is Children and Youth Committee immediately, room 302.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Children and Youth Committee will be meeting immediately in room 302 of the Irvis Building.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the Democratic Caucus at 10:30 a.m. tomorrow, 10:30 a.m. tomorrow, to go over about three new bills that we have not yet caucused on.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTION

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

Mr. REICHLEY. Mr. Speaker, my button stuck on the final vote on HB 2438. I wish to be recorded as a “nay” on that bill, final passage.

The SPEAKER. The Chair thanks the gentleman. The gentleman’s remarks will be spread across the record.

**THE SPEAKER PRO TEMPORE
(GENE DiGIROLAMO) PRESIDING**

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2577 By Representative ARGALL

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2004, to June 30, 2005, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2004, to June 30, 2005; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2004, to June 30, 2005, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

Referred to Committee on APPROPRIATIONS, April 13, 2004.

RESOLUTION REPORTED FROM COMMITTEE

HR 682, PN 3703

By Rep. SEMMEL

A Resolution urging the Department of Veterans Affairs (VA) to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentledady from Lancaster, Mrs. True.

Mrs. TRUE. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 14, 2004, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:43 p.m., e.d.t., the House adjourned.