

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 20, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. JOHN CHARNOCK, JR., Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O God, giver and preserver of life today and forever, whose might is manifest in this new day brought from the darkness, whose grace has granted us our first morning's breath, and whose mercy will receive our final breath when our days are accomplished, we confess that we all have fallen short of Your intended glory. Though there is greatness in us, we often deny our better selves by what we say and do and by what we leave unsaid and undone. In pursuit of riches we too easily pass by the poor. Success often comes to us at our neighbor's expense. You call us to serve, but we serve ourselves. O Lord, forgive us.

We thank You for the opportunity You have given us to make things better. Whether we participate in debate and deliberation that results in a new State policy or simply offer love and encouragement to a spouse, child, or friend, we ask that You place the right words in our mouths. Whether we shake the hand of an esteemed colleague or simply take the hand of a little child, may our hands be Your hands, our actions Yours.

O Lord, we pray for any who are suffering today. We pray for those risking their lives in combat and for those who will lose their lives amidst the ravages of war. We pray for the poor, the sick, and the hungry wherever they may be found. We pray for children like the ones in my home school district who are saddened and stunned by the suicide deaths of their teenage friends. We pray for those struggling to make a living wage and keep a roof over their heads. We pray for the young who wonder what kind of a future they will inherit, for the old still clinging desperately to the memories and the values of the past, and for those in middle age feeling the weight and responsibility of the present.

We ask for the wisdom of Solomon to fill this place and every place like it. We seek Your direction and guidance. Especially, we long for Your peace to reign in our world and Your peace to rule in our hearts.

O Lord, hear us as we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, October 19, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2928 By Representatives BOYD, BARRAR, REICHLEY, CAWLEY, FAIRCHILD, CRAHALLA, HARRIS, BAKER, TRUE, GABIG, STERN, METCALFE, LEH, CLYMER, MACKERETH, GILLESPIE, DENLINGER, SCHRODER, ARMSTRONG, GINGRICH, SCAVELLO, HICKERNELL and YOUNGBLOOD

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for the definition of "net terminal revenue," for slot machine license application financial fitness requirements, for slot machine license fee and for the Pennsylvania Gaming Economic Development and Tourism Fund; establishing the Pennsylvania Special Education Fund and the Homeowners Equity Rebate Program; and providing for the payment of an additional one-time slot machine license fee.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, October 20, 2004.

No. 2929 By Representatives GRUCELA, SCAVELLO, BEBKO-JONES, BELARDI, BUNT, CURRY, DeWEESE, DONATUCCI, FABRIZIO, GEORGE, GOODMAN, JOSEPHS, KOTIK, LAUGHLIN, MANN, NAILOR, READSHAW, ROONEY, STABACK, WALKO, WASHINGTON, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and CRAHALLA

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

Referred to Committee on INSURANCE, October 20, 2004.

No. 2930 By Representatives DONATUCCI, RAYMOND, MCGEEHAN, BEBKO-JONES, CLYMER, FRANKEL, HORSEY, JOSEPHS, KOTIK, LEDERER, SCAVELLO, WASHINGTON, YOUNGBLOOD, BOYD and THOMAS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Referred to Committee on LIQUOR CONTROL, October 20, 2004.

No. 2931 By Representative PHILLIPS

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society, situate in the Township of Upper Augusta, County of Northumberland, Commonwealth of Pennsylvania; and making a repeal.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, October 20, 2004.

No. 2932 By Representatives PHILLIPS, HARHART, GEIST, FAIRCHILD, ALLEN, ARMSTRONG, BEBKO-JONES, BUNT, CAPPELLI, DAILEY, FLEAGLE, S. MILLER, REICHLEY, RUBLEY, SATHER, SAYLOR, WATSON, CRAHALLA, MCGILL, GINGRICH, E. Z. TAYLOR and WEBER

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the Child Abuse Multidisciplinary Response Account; providing for duties of the Pennsylvania Commission on Crime and Delinquency; making an appropriation; and further providing for deposits into account.

Referred to Committee on JUDICIARY, October 20, 2004.

No. 2933 By Representatives SAYLOR, MAITLAND, REICHLEY, TRUE, ARMSTRONG, BALDWIN, BOYD, CRAHALLA, DENLINGER, J. EVANS, GEIST, GEORGE, GILLESPIE, GINGRICH, GOOD, HARRIS, HESS, KELLER, KILLION, R. MILLER, S. MILLER, PAYNE, PICKETT, SATHER, SCAVELLO, SCRIMENTI, STABACK, STERN, E. Z. TAYLOR, TIGUE, WASHINGTON and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, defining "applicant" for purposes of municipal police education and training; and further providing for powers and duties of the Municipal Police Officers' Education and Training Commission.

Referred to Committee on LOCAL GOVERNMENT, October 20, 2004.

No. 2934 By Representatives MARSICO, DIGIROLAMO, WASHINGTON, BARRAR, BEBKO-JONES, BELFANTI, BOYD, CRAHALLA, FLEAGLE, GEIST, GOODMAN, HARHAI, LEDERER, SAINATO, SATHER, TANGRETTI, E. Z. TAYLOR, TIGUE and TRUE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Drug and Alcohol Programs; making repeals; and making editorial changes.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 20, 2004.

No. 2935 By Representative WANSACZ

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for practicing exclusively in shops.

Referred to Committee on PROFESSIONAL LICENSURE, October 20, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 902 By Representatives GEORGE, OLIVER, DeWEESE, SATHER, VEON, LAUGHLIN, WATERS, COHEN, BEBKO-JONES, BELARDI, BELFANTI, BIANCUCCI, BISHOP, BUXTON, CALTAGIRONE, CASORIO, COSTA, CRUZ, DALEY, DONATUCCI, EACHUS, FABRIZIO, FICHTER, FRANKEL, FREEMAN, GERGELY, GOODMAN, GRUCELA, HALUSKA, HANNA, HERMAN, JAMES, JOSEPHS, KIRKLAND, LEACH, LEDERER, MANDERINO, MANN, MARKOSEK, McCALL, McGEEHAN, MUNDY, MYERS, PALLONE, PISTELLA, READSHAW, ROBERTS, ROONEY, RUBLEY, SAINATO, SAMUELSON, SCRIMENTI, STABACK, STETLER, STURLA, SURRA, TANGRETTI, THOMAS, TIGUE, VITALI, WALKO, WASHINGTON, WILLIAMS, WOJNAROSKI, CRAHALLA, DERMODY, HARHAI, PHILLIPS, PICKETT, DeLUCA, SOLOBAY, PETRARCA, BUNT and ADOLPH

A Resolution urging the Congress of the United States to authorize a supplemental appropriation for the Low Income Home Energy Assistance Program (LIHEAP) for fiscal year 2005 and an advance appropriation for fiscal year 2006.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 20, 2004.

No. 904 By Representatives HUTCHINSON, ARGALL, ARMSTRONG, BARRAR, BASTIAN, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CRAHALLA, DALLY, DeLUCA, DeWEESE, J. EVANS, FABRIZIO, FAIRCHILD, FICHTER, GEORGE, GINGRICH, GODSHALL, GOODMAN, HARHART, HERSHEY, HESS, JAMES, KILLION, LAUGHLIN, MACKERETH, MARSICO, MILLARD, R. MILLER, MUSTIO, PICKETT, READSHAW, ROBERTS, ROSS, RUBLEY, SAINATO, SATHER, SAYLOR, SOLOBAY, STERN, R. STEVENSON, E. Z. TAYLOR, TIGUE, TURZAI, WALKO, YOUNGBLOOD, YUDICHAK, ZUG and GRUCELA

A Concurrent Resolution establishing a task force to study issues concerning sewage management and treatment at publicly owned treatment facilities and systems throughout this Commonwealth, providing for an advisory committee and directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 20, 2004.

ACTUARIAL NOTES

The SPEAKER. The Speaker announces the receipt of the following actuarial notes: HB 2748, PN 4285, amendment No. 4013; HB 2748, PN 4285, amendment No. 3901; and HB 2748, PN 4285, amendment No. 3930.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table: HB 2758 and HB 1759.

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

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 1040, PN 1762**, entitled:

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; and making editorial changes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1040 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1040 be taken off the table.

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

* * *

The House proceeded to third consideration of **SB 1042, PN 1763**, entitled:

An Act establishing the Pennsylvania Energy and Pollution Reduction Program; establishing the Office of Energy and Pollution Reduction within the Department of Environmental Protection; providing an Environmental Compliance Report Card; and establishing the Rachel Carson Environmental Excellence Award.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1042 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1042 be taken off the table.

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

BILLS REMOVED FROM TABLE

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

SB 1096;
HB 2486; and
HB 2738.

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

BILLS ON SECOND CONSIDERATION

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

SB 1096, PN 1886; HB 2486, PN 3572; and HB 2738, PN 4126.

BILLS RECOMMITTED

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

SB 1096;
HB 2486; and
HB 2738.

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, as the guests of Representative Mario Scavello and Representative Kelly Lewis, Pastor John Charnock, Jr., of Mount Pocono Methodist Church along with his lovely wife, Christine, and their son, Michael. These guests are seated to the left of the Speaker. Also welcome the members of the congregation of the Mount Pocono Methodist Church, and they are seated in the gallery. Would those guests all please rise and be recognized by the House.

The Chair would like to welcome Lauren Stickell, a seventh grade teacher at Chambersburg Middle School, who is spending the day with Representative Pat Fleagle as part of a graduate class project at Shippensburg University. Lauren is located to the left of the Speaker. Would she please rise and be recognized. Lauren.

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. We have several special guests with us this morning from the Legislative Fellowship Program, which is sponsored by the Pennsylvania House of Representatives through the Bipartisan Management Committee. We have a very bright class this year. There are six students who have been assigned to either committee chairmen's offices or leadership offices for a 13-week fellowship program which began on September 21. They are seated in the back of the hall of the House, and I would ask them to rise as we read off their name.

The first one is Douglas Brown, a political science major from Millersville University, assigned to Representative Paul Semmel. He is the constituent of Representative Katie True.

Next we have Brian Craig, a public policy major from Penn State Harrisburg, assigned to Representative Mark Cohen, and he is the constituent of Mauree Gingrich.

Jocelyn Kraus, a government and political affairs major from Millersville University, assigned to Representative Steve Nickol. She is the constituent of Representative Will Gabig.

Lisa Meade, a public policy major from Penn State Harrisburg, assigned to Representative Mike Veon. She is the constituent of Representative Ron Buxton.

Sarah Quinn, a political science major from King's College, assigned to Representative Keith McCall. She is the constituent of Representative Tommy Tighe.

Edward Sosar, a political science major from King's College, assigned to Representative George Kenney. He is the constituent of Representative Todd Eachus.

How about a nice round of applause for our interns, and thank you for a great job.

ARCHIVAL INTERNS INTRODUCED

The SPEAKER. We have with us two other special guests from the Bipartisan Management Committee Archival Internship Program. They are Raymond Whittaker, a Shippensburg University graduate student enrolled in the applied history program. He was selected to participate in the Archival Internship Program. He is the constituent of Representative Bob Allen. We have also Gino Pasi, a graduate of the American studies program of the Penn State University, who was selected to work on the House oral history project. He is the constituent of Representative Pat Vance.

Would those two guests please rise and be recognized by the House.

GUESTS INTRODUCED

The SPEAKER. We have a special guest serving as a guest page today for Representative Stephen Maitland. He is Alexander Bush, age 18. He is a homeschooler from Gettysburg, Pennsylvania. Would he please rise. Alexander.

We would like to welcome to the hall of the House Botan Mustafa and Meryam Messaoudi, who are serving as guest pages for Representative Sheila Miller. Botan is a foreign exchange student from northern Iraq. He is in the 11th grade, a student attending Conrad Weiser High School in Berks County. Meryam, from Morocco, is an 11th grade student currently residing in Berks County. Seated to the left of the Speaker are Donald and Dianne Belsky from Womelsdorf. They are the host family for these two students. Would they all please rise and be recognized.

Botan related to me, and for the information of the members of the House, that he is a Kurd from northern Iraq and that 5,000 of his fellow countrymen were gassed in 1988 by Saddam Hussein and 1,000 people were taken from his village in the year 1995; not one of them has been seen since, and he said he is very glad to see the American presence in Iraq.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Warren, Mr. LYNCH, and the gentleman from Philadelphia, Mr. O'BRIEN. Without objection, those two leaves will be granted.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	Lynch		

LEAVES ADDED—7

Belfanti	Evans, J.	Horsy	McNaughton
Crahalla	Frankel	Levdansky	

LEAVES CANCELED—2

Horsy	Levdansky
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BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2804, PN 4328

By Rep. ADOLPH

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further providing for minimum distance between gas wells, for voluntary agreements and for validity of voluntary agreements.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2861, PN 4571 (Amended)

By Rep. ADOLPH

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for definitions.

ENVIRONMENTAL RESOURCES AND ENERGY.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2775, PN 4460**, entitled:

An Act establishing the Chesapeake Bay Watershed Education Program; providing for the issuance of grants and for the powers and duties of the Department of 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—196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	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.

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The House proceeded to third consideration of **HB 2657, PN 3964**, entitled:

An Act amending act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in employment incentive payments, for time limitations and report.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-195

Adolph	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	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Weber	Melio	Stern
Blaum	Gingrich	Metcalfe	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	Thomas
Causer	Harhai	Oliver	Tigue
Cawley	Harhart	O'Neill	Travaglio
Civera	Harper	Pallone	True
Clymer	Harris	Payne	Turzai
Cohen	Hasay	Petrarca	Vance
Coleman	Hennessey	Petri	Veon
Cornell, S. E.	Herman	Petrone	Walko
Corrigan	Hershey	Phillips	Wansacz
Costa	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Curry	Hutchinson	Raymond	Weber
Dailey	James	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roberts	Wright
Dermody	Kotik	Roebuck	Yewcic
DeWeese	Laughlin	Rohrer	Youngblood
DiGirolamo	Leach	Rooney	Yudichak
Diven	Lederer	Ross	Zug
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, D.			

NAYS-0

NOT VOTING-1

EXCUSED-6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	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 2270, PN 3121**, entitled:

An Act providing for the development and implementation of pilot projects with the goal of establishing a Statewide system of

family support services program for families of persons with disabilities; and providing for the powers and duties of the Department of Public Welfare.

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	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 2796, PN 4290**, entitled:

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the Main Street Program.

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	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.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House William O'Gurek, chairman of the Carbon County Commissioners, and Fred Osifat, director of the Carbon County Planning and Development, who are here today as the guests of Representative Keith McCall. They are seated to the left of the Speaker. Would those guests please rise and be recognized by the House.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1208, PN 1852**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Frenchcreek Township, Venango County, approximately 65.36 acres which includes the sewage treatment facilities, conveyance system, all improvements thereon and easements, at Polk Center in Polk Borough, Venango County.

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	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 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.

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 900, PN 4545**, entitled:

A Resolution recognizing the week of November 14 through 20, 2004, as “Hunger and Homelessness Awareness Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	LaGrotta	Micozzie	O’Brien
Josephs	Lynch		

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

* * *

Mr. DeLUCA called up **HR 901, PN 4546**, entitled:

A Resolution designating the month of October 2004 as “Italian Heritage Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

Egolf Evans, D.	Levdansky Lewis	Samuelson	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz Josephs	LaGrotta Lynch	Micozzie	O'Brien
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman from Franklin County, Mr. Fleagle, is recognized for a committee announcement.

Mr. FLEAGLE. Thank you, Mr. Speaker.

I believe we will be coming back from recess at 1:30. Is that correct?

The SPEAKER pro tempore. That is correct. We are intending to come back at 1:30.

Mr. FLEAGLE. Okay. If that is a fact, the Appropriations Committee will meet at 1:20 - 1:20 - in the Appropriations complex.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet at 1:20 in the Appropriations complex.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Casorio, is recognized for a caucus announcement.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, the House Democrats will caucus immediately upon the call of recess. There will be informal discussions, and we will be discussing the remainder of the bills on today's calendar.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair recognizes guests of Representative McIlhattan. Students from Immaculate Conception School in Clarion are in the gallery. Please rise and be recognized.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 2870, PN 4572 (Amended) By Rep. ALLEN

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

LABOR RELATIONS.

HB 2875, PN 4573 (Amended) By Rep. ALLEN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for a study to make recommendations for redesigning the contribution rate notice form and related documents.

LABOR RELATIONS.

BILL REPORTED AND REREFERRED TO COMMITTEE ON TRANSPORTATION

SB 1038, PN 1448 By Rep. CLYMER

An Act designating a bridge on State Route 11 crossing the Susquehanna River between Great Bend Township and Hallstead Borough, Susquehanna County, Pennsylvania, as the Community Memorial Bridge.

STATE GOVERNMENT.

RECESS

The SPEAKER pro tempore. Are there any other announcements?

We will stand in recess until 1:30.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

BILLS REREPORTED FROM COMMITTEE

HB 1019, PN 1194 By Rep. ARGALL

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

APPROPRIATIONS.

HB 2599, PN 4499 By Rep. ARGALL

An Act designating Exit 37 on Interstate Route 81 in Cumberland County, known as the Newville Interchange, as the 87th Infantry Division Patton's 3rd U.S. Army - WWII Memorial Interchange.

APPROPRIATIONS.

HB 2734, PN 4121 By Rep. ARGALL

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for the definition of “eligible adult.”

APPROPRIATIONS.

HB 2761, PN 4544 By Rep. ARGALL

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations; and prescribing penalties.

APPROPRIATIONS.

HB 2794, PN 4280 By Rep. ARGALL

An Act designating a bridge on State Route 3012 over Clearfield Creek in Beccaria Township, Clearfield County, as the Private First Class Bradley G. Kritzer Bridge.

APPROPRIATIONS.

HB 2826, PN 4354 By Rep. ARGALL

An Act designating the bridge on State Route 522 crossing the Black Log Creek, just south of Orbisonia, Cromwell Township, Huntingdon County, as the Huntingdon County World War II Veterans Memorial Bridge.

APPROPRIATIONS.

HB 2874, PN 4575 (Amended) By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for corrupt organizations; and further providing, in wiretapping and electronic surveillance, for exceptions to the prohibition of interception and disclosure of certain communications, for orders and for expiration.

APPROPRIATIONS.

SB 1149, PN 1675 By Rep. ARGALL

An Act amending the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco Settlement Agreement Act, further providing for requirements.

APPROPRIATIONS.

SB 1186, PN 1760 By Rep. ARGALL

An Act designating a portion of State Route 1014 in Cumberland County as the Senator John D. Hopper Memorial Bypass.

APPROPRIATIONS.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Christopher Coviello. He is acting as a guest page today and is the guest of

Representative Watson. His family is also seated in the gallery. Would they all please rise.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. FAIRCHILD called up **HR 903, PN 4561**, entitled:

A Resolution designating November 9, 2004, as “Pennsylvania GIS Day.”

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	LaGrotta	Micozzie	O'Brien
Josephs	Lynch		

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

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

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1019, PN 1194**, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. I am sorry, Mr. Speaker. Could we have just a brief explanation of that bill?

The SPEAKER. On that question, the Chair recognizes the gentleman from Blair, Mr. Stern.

Mr. STERN. Mr. Speaker, what this bill would do is amend the Solicitation of Funds for Charitable Purposes Act by increasing the threshold for audit of financial reports for certain volunteer charitable organizations. This would actually carve out a class of organizations that would fall under an increased threshold for requiring independent audits and other certain financial reports of volunteer charitable organizations. The annual collection threshold would be increased from \$125,000 to \$300,000 for such charitable organizations as volunteer fire organizations, ambulance associations, veterans organizations, and any auxiliary or affiliate under said organization.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the minority whip requests a leave of absence for the gentleman from Allegheny, Mr. LEVDANSKY. Without objection, that leave will be granted.

CONSIDERATION OF HB 1019 CONTINUED

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, a short distance from my house, 10, 15, 20 minutes away, depending on what the traffic is, is the borderline of Abington Township, and in Abington Township recently, I think it was last year, there was a discussion of different fire departments, and there was one fire department that had numerous financial irregularities, and the people of Abington Township were very much outraged. And I thought of that controversy when this bill came up, that at least one of the Abington Township fire companies, there was clear evidence of funds being misappropriated, at the very least wasted, and possibly stolen.

And it seems to me, Mr. Speaker, that when people give money to nonprofit organizations, they ought to know that the money is being well spent, and when the money is not well spent, people are going to have much less willingness to give the money to nonprofit organizations in the first place, and knowing that there is an audit is a restraint on nonprofit organizations, including fire companies, in terms of how they spend their money. I think \$300,000 is much too much money. A very, very high percentage of all nonprofits in Pennsylvania have total budgets of well under \$300,000 a year.

This essentially, except for very large nonprofits, removes the requirement that nonprofits in Pennsylvania have audits. I think that is a mistake. I think it hurts the nonprofit sector rather than helps it.

I would urge a "no" vote on this bill.

The SPEAKER. The gentleman from Huntingdon, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I would like to take a little different view on this legislation. It is not just fire companies. We have got a lot of our Lions Clubs, other fraternal organizations, that are in need of this legislation, and we made a minor change to it some years ago by increasing the threshold, I think, \$100,000 to \$150,000. But the days of the volunteer fire company where you could buy a piece of equipment for \$35,000 or \$50,000 are long gone. So the amount of money that is necessary to reach out to people and raise to be able to finance these ventures has increased significantly.

I know there are some concerns in one particular area where fundraising was done by a third party, and therein lay the concern that was expressed in that particular area, that this needed to have some additional look, and I think that is taking place, but as far as to hold back on the others who play it within the rules of the game and as it should be at the present time, \$150,000 is just too low of a threshold. And it is not to say that they are not audited; it is just that they do not require a C.P.A. (certified public accountant) audit when we raise the threshold.

So I am supporting this, and I hope the majority of the members will do so, and I think there is adequate protection there to cover those who are contributing and understand the necessity of such action.

Thank you.

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and puts the gentleman from Allegheny, Mr. FRANKEL, on leave for the remainder of today's session.

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

CONSIDERATION OF HB 1019 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

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

NAYS—6

Cohen	Solobay	Sturla	Vitali
Maher	Stetler		

NOT VOTING—0

EXCUSED—9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horsey			

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

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

* * *

The House proceeded to third consideration of **SB 1149, PN 1675**, entitled:

An Act amending the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco Settlement Agreement Act, further providing for requirements.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Just looking for a brief explanation, Mr. Speaker.

The SPEAKER. Mr. Vitali, at this point in time, it does not appear that anybody has risen to give you an explanation.

Mr. VITALI. Perhaps the chairman of the committee this came out of in the House might want to take a crack at it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, my understanding of SB 1149 is that fundamentally it would require nonparticipating tobacco manufacturers to place their share into an escrow account, and it closes some other loopholes, ostensibly creating a more level playing field between those tobacco companies that participate and those that do not.

That would be the best explanation I could give in a short order, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horsey			

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

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

* * *

The House proceeded to third consideration of **HB 2599, PN 4499**, entitled:

An Act designating Exit 37 on Interstate Route 81 in Cumberland County, known as the Newville Interchange, as the 87th Infantry Division Patton's 3rd U.S. Army - WWII Memorial Interchange.

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horsey			

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

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

* * *

The House proceeded to third consideration of **HB 2794, PN 4280**, entitled:

An Act designating a bridge on State Route 3012 over Clearfield Creek in Beccaria Township, Clearfield County, as the Private First Class Bradley G. Kritzer 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?

The Chair recognizes the gentleman, Mr. George.
Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, first, I would like to thank you and the majority leader and the Democratic leader and all of those who have participated or will in this bill.

Mr. Speaker, on May 5 of this year, the face of war clearly came to Clearfield County, where we had been notified that Bradley Kritzer of Jordan Township, Clearfield, was killed in action. Now, this young man, Private First Class Kritzer, was killed when his Humvee was destroyed with a bomb. All too often, Mr. Speaker, without intent, maybe we forget what these young men and women do in their supreme sacrifice to aid in our continued freedom and our continuous search for that that is right and longfully ours.

So I would say to you, Mr. Speaker, and to all of those here today, it is most gratifying to know that there are times when we recognize very little if anything about politics but we recognize that we should honor and we should memorialize those that have given the supreme sacrifice, such as Private Kritzer, and I would urge you to support me on this measure, where we will name this little bridge in behalf of this young individual who just graduated from the Moshannon Valley High School last year.

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horsey			

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

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

* * *

The House proceeded to third consideration of **HB 2826, PN 4354**, entitled:

An Act designating the bridge on State Route 522 crossing the Black Log Creek, just south of Orbisonia, Cromwell Township, Huntingdon County, as the Huntingdon County World War II Veterans 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, D.	Maher	Sather
Allen	Evans, J.	Maitland	Saylor
Argall	Fabrizio	Major	Scavello
Armstrong	Fairchild	Manderino	Schroder
Baker	Feese	Mann	Scrimenti
Baldwin	Fichter	Markosek	Semmel
Bard	Fleagle	Marsico	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McGeehan	Smith, S. H.
Bebko-Jones	Freeman	McGill	Solobay
Belardi	Gabig	McIlhattan	Staback
Belfanti	Gannon	McIlhinney	Stairs
Benninghoff	Geist	McNaughton	Steil
Biancucci	George	Melio	Stern
Birmelin	Gergely	Metcalf	Stetler
Bishop	Gillespie	Millard	Stevenson, R.
Blaum	Gingrich	Miller, R.	Stevenson, T.
Boyd	Godshall	Miller, S.	Sturla
Browne	Good	Mundy	Surra
Bunt	Goodman	Mustio	Tangretti
Butkovitz	Grucela	Myers	Taylor, E. Z.
Buxton	Gruitza	Nailor	Taylor, J.
Caltagirone	Habay	Nickol	Thomas
Cappelli	Haluska	Oliver	Tigue
Casorio	Hanna	O'Neill	Travaglio
Causer	Harhai	Pallone	True
Cawley	Harhart	Payne	Turzai
Civera	Harper	Petrarca	Vance
Clymer	Harris	Petri	Veon
Cohen	Hasay	Petrone	Vitali
Coleman	Hennessey	Phillips	Walko
Cornell, S. E.	Herman	Pickett	Wansacz
Corrigan	Hershey	Pistella	Washington
Costa	Hess	Preston	Waters
Crahalla	Hickernell	Raymond	Watson
Creighton	Hutchinson	Readshaw	Weber
Curry	James	Reed	Wheatley
Dailey	Keller	Reichley	Williams
Daley	Kenney	Rieger	Wilt
Dally	Killion	Roberts	Wojnaroski
DeLuca	Kirkland	Roebuck	Wright
Denlinger	Kotik	Rohrer	Yewcic
Dermody	Laughlin	Rooney	Youngblood
DeWeese	Leach	Ross	Yudichak

DiGirolamo	Lederer	Rubley	Zug
Diven	Leh	Ruffing	
Donatucci	Lescovitz	Sainato	
Eachus	Lewis	Samuelson	Perzel,
Golf	Mackereth	Santoni	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horsey			

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

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

* * *

The House proceeded to third consideration of **SB 1186, PN 1760**, entitled:

An Act designating a portion of State Route 1014 in Cumberland County as the Senator John D. Hopper Memorial Bypass.

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—192

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

Causer	Harhai	Pallone	Travaglio
Cawley	Harhart	Payne	True
Civera	Harper	Petrarca	Turzai
Clymer	Harris	Petri	Vance
Cohen	Hasay	Petrone	Veon
Coleman	Hennessey	Phillips	Vitali
Cornell, S. E.	Herman	Pickett	Walko
Corrigan	Hershey	Pistella	Wansacz
Costa	Hess	Preston	Washington
Crahalla	Hickernell	Raymond	Waters
Creighton	Hutchinson	Readshaw	Watson
Curry	James	Reed	Weber
Dailey	Keller	Reichley	Wheatley
Daley	Kenney	Rieger	Williams
Dally	Killion	Roberts	Wilt
DeLuca	Kirkland	Roebuck	Wojnaroski
Denlinger	Kotik	Rohrer	Wright
Dermody	Laughlin	Rooney	Yewcic
DeWeese	Leach	Ross	Youngblood
DiGirolamo	Lederer	Rublely	Yudichak
Diven	Leh	Ruffing	Zug
Donatucci	Lescovitz	Sainato	
Eachus	Lewis	Samuelson	
Egolf	Mackereth	Santoni	Perzel,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-1

Bard

EXCUSED-9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horshey			

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

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

CALENDAR CONTINUED

RESOLUTION

Mr. COSTA called up **HR 851, PN 4413**, entitled:

A Concurrent Resolution memorializing the Congress of the United States to enact the Steel Industry National Historic Site Act establishing certain sites and structures in the Commonwealth of Pennsylvania as National Heritage Areas.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Evans, D.	Maher	Sather
Allen	Evans, J.	Maitland	Saylor
Argall	Fabrizio	Major	Scavello
Armstrong	Fairchild	Manderino	Schroder
Baker	Feese	Mann	Scrimenti

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horshey			

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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 217, PN 1758**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Commission on Sentencing; further providing for intermediate punishment guidelines; providing for State intermediate punishment guidelines; further providing for sentencing generally, for partial

confinement, for total confinement, for intermediate punishment and for modification of intermediate punishment; providing for revocation of State intermediate punishment; further providing for county intermediate punishment; providing for State intermediate punishment; codifying provisions relating to reporting functions of the Department of Corrections; making a repeal related to the codification; and making editorial changes.

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 from Delaware, Mr. Vitali.

Mr. VITALI. Mr. Speaker, could we have a brief explanation of this bill?

The SPEAKER. Mr. Vitali, I trust that your side of the aisle does have a caucus?

Mr. VITALI. Yes, and I attend it religiously. Thank you, Mr. Speaker.

The SPEAKER. Well, Mr. Vitali, there is a summary of all these that are given out. Does the gentleman receive that summary? It just appears that you do not know what is going on on almost any of the bills, Mr. Vitali.

Mr. VITALI. Mr. Speaker, sometimes appearances can be deceiving. Let me explain.

The SPEAKER. In that case, I apologize.

Mr. VITALI. The problem is, when we have as many bills on the calendar as we do today, the report goes to be about 19, 20 pages, so by the time it takes you to announce a bill and vote it, sometimes it is difficult to get to the correct page on that. We are just trying to buy a little time so we can understand what we are voting on. What is the hurry?

The SPEAKER. Well, not much hurry, Mr. Vitali, but this bill has been here since July 2. That is all.

Mr. VITALI. Do you think we are imposing on anyone in the system of the Commonwealth just to ask for a brief explanation of a major bill?

The SPEAKER. All right, Mr. Vitali.

The gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

What this bill does is it is an alternative sentencing for drug-related-type crimes. It came out of Judiciary, so it is a good bill that has broad support, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Maher	Sather
Allen	Evans, J.	Maitland	Saylor
Argall	Fabrizio	Major	Scavello
Armstrong	Fairchild	Manderino	Schroder
Baker	Feese	Mann	Scrimenti
Baldwin	Fichter	Markosek	Semmel

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Josephs	Levdansky	Micozzie
Frankel	LaGrotta	Lynch	O'Brien
Horsey			

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

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

SUPPLEMENTAL CALENDAR B

BILL VETOED BY GOVERNOR

The House proceeded to consideration of the veto message on **HB 2758, PN 4224**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for fire company reduction and closure provisions for cities of the first class.

On the question,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

PARLIAMENTARY INQUIRY

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

Mr. DeWEESE. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DeWEESE. Would the Chair please share with the membership – because it is a complicated process and we need reminded – the effect of a “yes” vote and the effect of a “no” vote on this measure?

The SPEAKER. Yes, Mr. DeWeese. Effectively, a “yes” vote would override the Governor’s veto.

Mr. DeWEESE. Thank you very much.

The SPEAKER. A “no” vote would uphold the Governor’s veto.

Mr. DeWEESE. A “yes” vote would override the Governor.

The SPEAKER. Yes; yes, it would, sir.

Mr. DeWEESE. We sure would not want to do that.

The SPEAKER. I would not say “we.”

Mr. DeWEESE. Anyway, Mr. Speaker, I apologize for implying that I wanted to speak right now. I would defer to the gentleman from Philadelphia, Mr. Thomas, and there may be others, but I would like to speak later in the debate.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Thomas, seek recognition?

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. THOMAS. Mr. Speaker, I rise to do two things: one, to make sure that the record is clear, and secondly, to sustain the Governor’s veto.

Mr. Speaker, and this is a tough one. It is tough because you know, I know, and members of this General Assembly know that W. Curtis Thomas strongly supports not only the firefighters of my county but the firefighters of the Commonwealth of Pennsylvania. They are truly our first line of defense when it comes to emergencies and it comes to many other situations. They might be the only public servants, Mr. Speaker, who do not have the luxury of saying no. They must act whenever a situation arises. And I am troubled by Philadelphia County’s proposal to close firehouses in the absence of an impact study and in the absence of a more thorough review of the situation in Philadelphia County. I am troubled by that.

But, Mr. Speaker, I am more troubled by the fact that in Philadelphia County we have a stellar president of city council, the Honorable Anna C. Verna; we have some very esteemed members of city council who believe that the administration should not unilaterally decide to close firehouses. In fact, in this past budget, if my understanding is correct, Philadelphia City Council has authorized an appropriation that would pay for the kind of study that needs to be done.

Secondly, Mr. Speaker, the courts have intervened on this issue and issued a restraining order on the city of Philadelphia to preclude the city of Philadelphia’s administration from arbitrarily closing firehouses.

Thirdly, Mr. Speaker, the matter is now before an arbitration board, and the arbitrators could rule in favor of the firefighters and send this whole issue back to square one.

So, Mr. Speaker, I have faith in the elected and appointed administrators in Philadelphia County. I have faith that they would do the right thing and not act on the proposal that is currently on the table.

And, Mr. Speaker, I am also troubled by the fact that this legislation does not include any one of the 66 other counties in the Commonwealth of Pennsylvania, and let us face it: Good legislative policy should apply to all and not selectively to some.

This proposal contained in 2758 is limited to Philadelphia County. It has no application on any other county, but people need to be reminded that if this goes forward, then there is nothing to stop us from next week or the week after next saying to Allegheny County that we need to dictate how you handle your day-to-day affairs or saying to Erie County or Lehigh County that this legislative body needs to dictate on how you handle your day-to-day affairs. That is the wrong approach, Mr. Speaker, and we should not be getting involved in the day-to-day affairs of our municipalities or our local governments in the absence of misfeasance, malfeasance, or some other illegal conduct. In the absence of that, Mr. Speaker, we should not be intruding on the day-to-day affairs of our municipalities or our local governments.

So, Mr. Speaker, I stand today to say, firefighters, I support you, and I will continue to work on your behalf. But, Mr. Speaker, the Governor made the right decision when he vetoed this. He made the right decision because it selectively zeros in on one county at the behest of all other counties.

Secondly, Mr. Speaker, he was right to veto this because in Philadelphia County there is a check-and-balance body that is going to deal with this issue. Firehouses have not closed and they will not close until such time that there is a process for evaluating this whole issue of closure.

So I rise, Mr. Speaker, to urge my colleagues on both sides of the aisle, let us not override the Governor’s veto. The Governor’s veto must be sustained because it is the right thing to do, it is the right time to do it, and it is the right circumstances to do it. The Governor was on point when he vetoed HB 2758.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues to join in this override.

HB 2758 was overwhelmingly passed by this House and by the State Senate earlier this year, about 3 months ago, and the intent of this legislation is to ensure that the closure or the force reduction of a fire department facility is not done in a hurried manner, thereby ignoring the public safety ramifications in the city of Philadelphia.

We are sent here as our number one priority to protect those we represent, and the legislation that I sponsor with bipartisan support from my colleagues in the city of Philadelphia only asks

that the citizens in Philadelphia, prior to any closure of a firehouse, be provided a written notice that an independent study was done and that those results of that study were brought back to the citizens in that community. That is all it asks.

And when John Taylor and I stood with firefighters in the city of Philadelphia on June 30 — and I will just tell this story because I think, and I do not have to tell you in this House the important role firefighters play — but we went to Engine 28 in the Port Richmond section of Philadelphia, one of the proposed closure sites; we stood with Capt. John Taylor, who was the captain of that engine. A month later — Capt. John Taylor was a resident of my legislative district — he was at one of my neighborhood breakfast meetings, and he said, “George, are you going to go back to Harrisburg and fight for the override?” And I said, “John, we’re going to look at it and see what’s in the best interest of the citizens of this city, but we’ll do the right thing.” And who would know that 8 days later, on August 20, that Capt. John Taylor would die fighting a fire in the city of Philadelphia? And that is what firefighters do. They run into buildings, not away from them. And who would know what would have happened if that firehouse was not in that neighborhood, what would have happened to that block in the Port Richmond section of Philadelphia?

And prior to coming to this floor, I did not want to invoke Capt. John Taylor’s name. I called his widow, Charlene, and said, “If we proceed with this override, Charlene, do you mind if I mention John’s name?” She said, “I endorse you to do it.” She said, “We have to do everything for firefighters.” She said, “I’ve even asked the firefighters, if they march on city hall in Philadelphia, include me. Don’t forget, I’m still a supporter of firefighters.”

And that is why we are here today, to support firefighters and send a message to the city of Philadelphia that if you are closing firehouses and impacting the safety of citizens in the city, we are going to do something about it here in Harrisburg, and that is what this override is about, and I ask for this House to support the override.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I certainly respect my colleague over there who made a very passionate speech.

I am going to support the Governor’s veto, but I first want to mention the fact, I certainly, as chairman of the Pennsylvania legislative fire caucus, certainly support the firefighters in this Commonwealth and also in Philadelphia.

Now, if we talk about that we in the State should be involved in supporting our firefighters in Philadelphia and other parts of the State, then let us fund them with the money from the State here if we are so concerned; let us send the money from Pennsylvania to our State fire departments, our first responders who put their life out there. The only time we want to support our first responders is when issues come out like this. They save us \$6 billion, and yet we have to fight to get a little bit of chump change of \$25 million a year to fund our volunteer firefighters or any other fire department.

So let us not use that. If you vote to sustain the Governor’s veto, it has nothing to do with whether you are supporting firefighters or not supporting firefighters. We are there to do the right thing.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader, the gentleman from Greene, Mr. DeWeese.

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

The inspired words of the gentleman from Philadelphia, Mr. Kenney, are certainly worthy of note and cannot be discountenanced in any degree. The focus of this debate on the override, however, must be seen by this chamber with some sense of detachment.

What he said in many ways was correct. At least it is perceived to be correct by the men and women who work in this chamber. But the essence of the debate is, who is going to make that decision? Will the Pennsylvania General Assembly make that decision or the duly elected representatives of the city of Philadelphia make that decision?

At some point, at some point, Mr. Speaker, you are going to have to walk the walk; you just cannot talk the talk. You cannot talk the talk all the time about local government. Sometimes, forgive me, but you are a little bit preachy about local government, local control, no State mandates — health care, education, now fire service. It was not enough, it was not enough for you to take over the governing of the Philadelphia Convention Center. You ripped that out of the embrace of local authorities. It was not enough for you to bring the long arm of Harrisburg into the Philadelphia Parking Authority. You ripped that away from local officials.

Harrisburg is more involved in Philadelphia now, under Republican leadership in this General Assembly over the last several years, than it ever has been. That is inappropriate. It is wrong. But most of all, as politicians, it is against the grain of what you have campaigned upon.

I do not see how you can go back to your townships and boroughs, especially many of you who, like me, hail from rural counties and rural townships, when you are saying it is okay for the State legislature to involve themselves up to the hilt in local affairs in the city of Philadelphia. John Street was elected mayor of the city of Philadelphia to make these decisions. A city council of Republicans and Democrats was elected, and the fiduciary responsibility of running the fire service in the city of Philadelphia resides with them, not with us.

Governor Rendell did what he had to do. He is giving Philadelphia a chance to work out its own challenges with its fire service, and we are disallowing that.

Why should the Commonwealth have this kind of power over Philadelphia’s fire service and not over the volunteer fire services in Williamsport or in Waynesburg or in Butler? How about Lancaster? How about down in Lancaster? How about those suburban fire companies down there? Are we going to immerse ourselves in all of these battles? I do not think it is appropriate.

And again, I accept much of the sensitivity and efficacy of Mr. Kenney’s argumentation, but that argumentation, I believe, should be engendered in mahogany-paneled rooms of Philadelphia’s city council. If Mr. Kenney and his cohorts confirm their own belief in local control, this argument should be made in the City of Brotherly Love, not here in the State Capitol.

So I would ask that the Democrats at least and for those farsighted Republicans, including those who like to have their campaign photographs taken with the Governor, I would like to think that we have such a nice guy running the State, and in this case, not only is he a nice guy but he is right on target, and local control is the fundamental, the fundamental pivot of this debate;

local control. I see some of you young Republicans, you well-scrubbed young Republicans, and we have been trying to campaign against you, to no avail, over the years, and one of the reasons you have been able to hold on, hold on, so tenaciously was because your constituency has bought lock, stock, and barrel your blatherings about local control, and now the long arm of the State Capitol is reaching once again into one of our local municipalities, and I just do not think that is appropriate. In spite of the fact that what George Kenney said, to many degrees, is an acceptable argument, it should be made in the city council chambers and with the mayor.

So I would ask for a “no” vote, a “no” vote, a “no” vote, a “no” vote, from the Democrats and from those farsighted Republicans who live in and around the city and want Ed Rendell’s picture with them in all their campaign literature, but most of all, most of all, what I want is a “no” vote on this measure from those Republicans who believe, who believe, with all their visceral enthusiasms, in local control, local control. If you believe in local control, help George Kenney go down to Philadelphia and win this argument. It should not be made in the halls of the General Assembly.

I ask for a “no” vote on this motion to override our Governor.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, I will probably have to apologize to you in that I know you are going to use the gavel in a couple of minutes, because, Mr. Speaker— Now, Mr. Speaker, I just complimented you this morning, so if I am not very nice to you, you can overlook that, surely, a poor boy from Clearfield County.

Mr. Speaker, I do not know why we are in these (word was stricken from the record) contests, and you know, and that is what it is, and that is what it will—

The SPEAKER. The gentleman, please.

Mr. GEORGE. (Word was stricken from the record) contest is not right?

The SPEAKER. We do not like that. Please use another word.

Mr. GEORGE. Spitting contest.

The SPEAKER. Have that word stricken from the record.

Mr. GEORGE. Mr. Speaker, you can darn well put that in the record all you want. They say that in the newspapers every day.

The SPEAKER. We do not want it said on the floor of the House, Mr. George.

Take the word, the other word that he used, out of the record.

Mr. GEORGE. Well, if you are taking it out of the record to protect me, I thank you.

The SPEAKER. No. I am taking it out of the record because it is the right thing to do, Mr. George, not to protect anybody.

Mr. GEORGE. Mr. Speaker, I never said you would not do the right thing to do. I believe it is the right thing to do. I also think it is the right thing to do for me to stand here, even though I am emotionally involved and I really do not understand what is going on, but there are people just as— Oh, you can go ahead and carry on all you guys want, but I sit back and listen to you. I have fire companies, and we darn well cannot keep them funded, and I would be the last to ever agree with anyone that we should close them, and I know, I have been here 30 years, and I remember when a fire truck used to cost \$10,000.

Now they cost \$200,000 for a ladder truck, and I am aware of that. But I do not understand; I am not the Speaker and I am not the Governor and I am not one of these big fellas that the guys from Washington talk to, but I think this is political in every sense. I do not think it matters what we want, what the story is; they want to embarrass the Governor. And I, for one, wish the Governor would be involved in other things, because he, too, has an obligation, and that obligation is to do the right thing, but by the same token, we do not do the right thing by forcing him to put forth his effort and his brilliance of mind to getting into these political fervors that we have to do.

I do not want to tell Philadelphia legislators what is better for their area. I would be the first to say to you fellas, help me because we need your help. We can do very little without you guys and girls. I swear to you that I did not want to get up, but I am fighting with everybody to find out what is the right thing to do. I do not want to go home and have these guys say that it does not matter; it has nothing to do with the election, but I do not want any fireman to think that any of us, Philadelphia or likewise, would not be supportive, especially of our volunteers. Those first responders are truly first responders, and there were people like the Speaker and myself that developed the volunteer loan program, but I do not know why somebody down in Philadelphia had to get into this political deal and they had to put the mayor and the Governor in a box, and I do not know why we are doing this with so many things that we ought to do.

I will not sway any one of you, but I just want you to know, I think most of you are better than that. You do not want involved in this fiasco either, so I would urge you to vote “no.”

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

I would just like to correct at least one prior speaker that suggested that this bill is not about firefighters. It is about firefighters. It is only about firefighters. Just ask them. They will tell you it is about firefighters.

And to be very brief, what happened here, at crunch time, at budget time, in the city of Philadelphia, they turned, to get their budget straight, to the very place that they should not turn, and that is public safety. Arbitrarily, out of the city hall, we are going to cut firefighters, and then said it was not about the budget; it was good public policy, which everyone knew was ridiculous.

And, Mr. Speaker, this is not about local control. This is setting up a process that we will forever be away from once the process is put into place. There is no way that one person should be able to make this decision that affects so many people and then walk away from it with no public process, and, Mr. Speaker, the firefighters that died, two firefighters died one block away from the very firehouse that they were proposing to cut.

So do not let anybody suggest this is not about firefighters. Just check with your firefighters if you want their view on this override.

Thank you.

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

I think the word was “preachy” that was used to describe some of the members, that perhaps we were a little “preachy.”

I inferred from that that that might have been a diplomatic way of saying “hypocrite,” and that is fine. That is a fine word. “Preachy” was a good way of putting it. I kind of appreciate it, but I am assuming it meant that someone was being hypocritical.

Perhaps 199 to 2 would be hypocritical also, with the exception of maybe those 2. That was the vote count when this bill passed the House earlier this session, 199 to 2. Now, I do not know whether the Governor brought such clarity to this issue that suddenly everybody or many people want to look at this issue differently, but to me, that might be a case of kind of flip-flopping on the issue, 199 to 2 flip-flopped to whatever the vote may be today.

On the actual issue though, on the actual issue of whether this is local control or State control, I think it really depends on how you want to define local control, because there is nothing in this bill that says that the State Fire Commission or the State legislature or the Governor is going to make a decision for the people of Philadelphia. In fact, it actually would give more control to the truly local entity within Philadelphia, local and nonlocal being the city government or the local people who might be impacted.

As I understand the bill, basically it requires a public notice. There have been hundreds of times when we have looked at, debated, considered public notice as a part of a process for an application, a permit, whatever.

A public notice. Is that us controlling what Philadelphia does? Is that us taking control? No. That is giving the power back to the people. That is where real local is, in the hands of local constituents, a neighborhood of people, an impact study. That is giving information to those same people as well as the ultimate decisionmaker – in this case, the city council or whoever it is at the city level – but it is giving information to everyone involved.

And a public hearing. Again, does that take control to the State? Does that give control to the State? Hardly. It is simply empowering and giving the local individuals in that neighborhood, that affected neighborhood or potentially affected neighborhood, some say, some power.

So I am not sure that the preachiness of local control applies. The fact is, this legislation probably gives some power, although not ultimate authority, to the most local entity within this entire chain of command, and that would be to the neighborhood. It does not give any power to the State per se – oversight in the sense of a comment, perhaps, but not oversight in the sense of control.

Mr. Speaker, I would urge the members to support the override. The 199-to-2 vote that sent this bill out of the House earlier this session seemed to speak volumes. Today I would challenge the members to continue to sing out with that same voice.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 2758 CONTINUED

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

Mr. THOMAS. Thank you, Mr. Speaker.

I would just like to add one bit of information.

As you know, when the mayor proposed closing these firehouses, he also proposed closing a number of recreation centers. People from Philadelphia County remember that. But they should also know – when was it, Monday of last week? – that city council moved to restore funding for those recreation centers and decided that those recreation centers would not be closed.

Now, I think that the Honorable Anna C. Verna and the other 16 members of city council – Councilman Brian O’Neill, Councilman Franny Rizzo – I believe that they care about the firehouses in Philadelphia County, and I do not think that they are going to sit back and just allow this proposal to be implemented without, without some intervention from them.

And so to that end, all Representative Thomas is saying is that if we do not have any faith in the Honorable Anna C. Verna, Councilman Rizzo, Councilman Nutter, Councilman Brian O’Neill, if we do not have any faith in them, then we might as well just pack up and tell them to go home. They should not be there. But I have faith in them. They have said, they have gone on record in supporting the firefighters and the people in those communities, and I am confident. I am also confident that the court did not intervene and issue a restraining order if there was not momentum there.

And to my colleagues, I say to my colleagues, I respect the arguments that you are advancing, but let me assure you that if at some point it becomes an issue for this body, then Curt Thomas is going to be there with you and with the firefighters, because I will not sit back and allow any community, the safety and security of a community, to be jeopardized, and I think that all my colleagues feel the same way. I do not know one member from Philadelphia County that will sit back and allow the safety of their community or the district that they represent to hang in jeopardy on a unilateral decision. I have faith in them and I have faith in my colleagues in Philadelphia City Council.

And all I am asking when I stand and ask for a vote to sustain the Governor’s veto, we are not saying that we are against firefighters; we are not saying that we stand in opposition to the safety of our communities. What we are saying is, let Philadelphia City Council act, let the arbitrators act, and if for some reason the arbitrators rule against the firefighters, city council decides against these firefighters, then it is time for the Pennsylvania General Assembly to act. And let us face it: When we want to act, we can act swiftly and decisively. We have demonstrated that on many occasions. We have the capacity to act swiftly and decisively.

So, Mr. Speaker, let us sustain the Governor’s veto, and by sustaining his veto, we demonstrate faith in the people that we elect to handle the day-to-day affairs of Philadelphia County. You know, in February the Governor will be submitting a budget to the General Assembly, but we tell our constituents all the time the Governor submits the budget; it is the legislature that must decide upon the budget. So even though the Governor might propose that we close down the Department of Environmental Protection, this body ultimately has to decide whether that happens or not.

What is going on in Philadelphia County is that the mayor has submitted a proposal; council has already indicated its unwillingness to accept that proposal for face value; and their council people, like Councilman Brian O'Neill, Councilman Franny Rizzo, the Honorable Anna C. Verna, the Honorable Marian B. Tasco, the Honorable Michael Nutter, I have faith that they are going to do the right thing, and if they fail to do the right thing, then I will be with this body and act as swiftly and decisively to make sure that none of our communities, none of our communities, are put at an imperiled risk.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Local control, local control. There is nothing more fundamental to local control as it is for the people to have an opportunity to have notice that their firehouse will be closed and an opportunity to be heard.

Where are all my friends in here that are card-carrying members of the ACLU (American Civil Liberties Union)? Due process – notice and an opportunity to be heard.

Mr. Speaker, I proudly stand with the residents of the city of Philadelphia and the right of them to have local control, and I proudly stand with the AFL-CIO today, who has just e-mailed all of you, who has just e-mailed everyone in this chamber and asked us to override the Governor's veto.

Where are my colleagues from the other side of the aisle who repeatedly support the AFL-CIO? Where are my colleagues? The AFL-CIO has said that the closing of firehouses is much influenced by political considerations. The AFL-CIO has asked us to override the Governor's veto so there are not political considerations when dealing with the public's right to be safe.

Mr. Speaker, I proudly stand with the citizens of Philadelphia and their right to have a notice and opportunity to be heard, and I proudly stand with the working men in Pennsylvania, and I hope my colleagues on the other side of the aisle will do the same.

The SPEAKER. The chamber responds.

Mr. DeWeese?

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the minority whip requests a leave of absence for the gentleman from Northumberland, Mr. BELFANTI. Without objection, that leave will be granted.

CONSIDERATION OF HB 2758 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Will the maker of the bill stand for interrogation?

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

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, this particular bill that is before the House today, what cities in Pennsylvania does it apply to?

Mr. KENNEY. Cities of the first class, which would be Philadelphia.

Mr. PALLONE. How many cities of the first class are there, Mr. Speaker, in Pennsylvania?

Mr. KENNEY. One.

Mr. PALLONE. What is the city of the first class?

The SPEAKER. Will the gentleman suspend.

The purpose of interrogation is to solicit answers that you would not know the answers to.

Mr. PALLONE. Mr. Speaker, with all due respect, it is a series of questions building up to a conclusion that requires a foundation.

The SPEAKER. No. This is not a court of law. This is not a court of law. If the gentleman knows the answer to a question, it is improper for him to be asking the question.

Mr. PALLONE. Thank you, Mr. Speaker.

Can I give remarks on the bill then?

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

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, I stand today in favor of the Governor's veto of this particular bill.

The issue at hand is this act only applies to the city of Philadelphia. There is only one first-class city in Pennsylvania. It is the city of Philadelphia. It does not apply to any of the other municipalities in Pennsylvania. It does not apply to any of the volunteer fire companies throughout Pennsylvania. It only applies to the city of Philadelphia, and it gives the authority back to the city of Philadelphia to be able to do what they need to do.

The gentleman, Mr. Thomas, from Philadelphia strongly made the points relative to his own city that he represents. In accordance with that, I think it is in the true interest of this body to support the city of Philadelphia in their strong desires, knowing full well that this particular legislation has no impact on any other city in Pennsylvania, any other fire company, volunteer, paid, or otherwise, except for the city of Philadelphia.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

To respond politely to my honorable cohort from Jefferson, the esteemed majority leader, relative to the 199-to-2 vote of yesteryear that the Governor did decide to override, during the dynamics that surrounded that vote not all that long ago, we were inquiring as to what the city of Philadelphia thought about this piece of legislation – what did the city council think and what did the mayor think – and we were assured that all the city thinks it is okay; everything is okay; the city is on board.

I am not blaming anybody per se. Those kinds of remarks happen from time to time, and I am sure that whoever shared that believed that, but that is why we have checks and balances, and there is no more robust setting for a check or a balance than this room.

So the sagacity of 1787 gave us a Constitution with a veto power, and subsequent to that time, Pennsylvania's Constitution was enshrined with a gubernatorial veto, and in this case, it is being deathly wielded. A veto is appropriate.

I also would like to observe for the gentleman from Philadelphia that there is nothing, there is nothing in the language that he can show us that would prohibit the State of Pennsylvania from coming in and picking up the whole tab for any kind of increase in fire service in the city of Philadelphia. There is no rhyme or reason as to who would pay for the

public hearings, the consultants, the processing of the report. Are we, the Pennsylvania taxpayers, going to pay for this?

And again, accepting the enlightenment and the focus and the decency with which they regard and we all should regard our firefighting men and women, why, why was the language tailored only for the city of Philadelphia? Why was Pittsburgh not included in the language? Why was Scranton and Wilkes-Barre not included in the language? Why was there not some methodology developed for our thousands of volunteer fire companies?

Again, I hate to be repetitive, but that is part of the debating dialectic here. We are not supposed to be meddling in the affairs of our townships and municipalities. We, especially, who advocate local control, the most dynamic element within our Federal system and certainly within the relationship we have with our townships and boroughs and school districts, we should not be putting the long arm of Harrisburg into Philadelphia's firefighting service challenges. Those should be decided by city council and the mayor, not the State. The fiduciary responsibility relies upon those people to make those decisions.

And one last thing: David Sanko, the director of the Pennsylvania Emergency Management Agency, and Edward Mann, the State Fire Commissioner, both Republicans to the best of my knowledge, have sent us all a letter and they have requested that we sustain the Governor's veto, and the most iridescent sentence in the letter from my perspective is this one: It imposes State government into the day-to-day operating affairs of an elected municipal government. Remember, Mr. Sanko was the former chief of staff to Governor Schweiker and Mr. Mann is a longtime fire service-committed employee, both Republicans to the best of my knowledge.

But the bottom line is, you folks, by rattling around here and messing with the Governor's veto, are allowing, are allowing for State government to once again get involved. We admonished you. We decided to reach in the State government and take over the Philadelphia Parking Authority, the Philadelphia Convention Center, the Philadelphia School District. When the State of Pennsylvania gets involved, invariably the State of Pennsylvania taxpayers are going to be putting in more money. This is going to end up costing more money from the State Treasury into Philadelphia. We should allow Philadelphia to take care of its own.

I would ask that we vote "no," that we do not allow this override to take place, and that all Democrats stand firmly with Edward G. Rendell.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, nothing has changed since the vote of 199 to 2. This legislation empowers the residents of Philadelphia. It will provide them with the right to know when and if a firehouse is closing in their neighborhood and why. That is all it does, and it holds the city accountable to them, the local citizens, and I ask that the House support the override and support HB 2758.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of the bill becoming law will vote "aye"; those in favor of sustaining the Governor's veto will vote "no."

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

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

The following roll call was recorded:

YEAS—122

Adolph	Evans, D.	Lewis	Rubley
Allen	Evans, J.	Mackereth	Sather
Argall	Fairchild	Maher	Saylor
Armstrong	Feese	Maitland	Scavello
Baker	Fichter	Major	Schroder
Baldwin	Fleagle	Manderino	Semmel
Bard	Flick	Marsico	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.
Bastian	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Stairs
Birmelin	Geist	McIlhinney	Steil
Boyd	Gillespie	McNaughton	Stern
Browne	Gingrich	Metcalfe	Stevenson, R.
Bunt	Godshall	Millard	Stevenson, T.
Butkovitz	Good	Miller, R.	Taylor, E. Z.
Cappelli	Habay	Miller, S.	Taylor, J.
Casorio	Harhart	Mustio	True
Causar	Harper	Nailor	Turzai
Civera	Harris	Nickol	Vance
Clymer	Hasay	Oliver	Washington
Cohen	Hennessey	O'Neill	Watson
Coleman	Herman	Payne	Weber
Cornell, S. E.	Hershey	Petrarca	Wilt
Crahalla	Hess	Petri	Wojnaroski
Creighton	Hickernell	Phillips	Wright
Dailey	Hutchinson	Pickett	Yewcic
Dally	Keller	Raymond	Youngblood
Denlinger	Kenney	Reed	Zug
DiGirolamo	Killion	Reichley	
Donatucci	Lederer	Rohrer	Perzel,
Egolf	Leh	Ross	Speaker

NAYS—71

Bebko-Jones	Freeman	McCall	Shaner
Belardi	George	Melio	Staback
Bianucci	Gergely	Mundy	Stetler
Bishop	Goodman	Myers	Sturla
Blaum	Grucela	Pallone	Surra
Buxton	Gruitza	Petrone	Tangretti
Caltagirone	Haluska	Pistella	Thomas
Cawley	Hanna	Preston	Tigue
Corrigan	Harhai	Readshaw	Travaglio
Costa	James	Rieger	Veon
Curry	Kirkland	Roberts	Vitali
Daley	Kotik	Roebuck	Walko
DeLuca	Laughlin	Rooney	Wansacz
Dermody	Leach	Ruffing	Waters
DeWeese	Lescovitz	Sainato	Wheatley
Diven	Levdansky	Samuelson	Williams
Eachus	Mann	Santoni	Yudichak
Fabrizio	Markosek	Scrimenti	

NOT VOTING—0

EXCUSED—9

Belfanti	Horsey	LaGrotta	Micozzie
Cruz	Josephs	Lynch	O'Brien
Frankel			

The SPEAKER. On the question of the bill becoming law, the objections of the Governor to the contrary notwithstanding, the "ayes" are 122; the "nays" are 71. The veto is sustained.

On the question of the bill becoming law, the objections of the Governor to the contrary notwithstanding, the veto is sustained.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2637, PN 3907, entitled:

An Act requiring hospitals to obtain certain information relating to criminal history from prospective employees; providing for grounds for denying employment and for certificate of employability; prescribing penalties; providing for provisional employees for limited periods; imposing certain requirements for current hospital employees; and providing for civil immunity under certain circumstances.

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

Mr. VEON offered the following amendment No. A3980:

Amend Sec. 3, page 3, line 9, by removing the period after "employee" and inserting, acts in a managerial capacity or is a student or intern.

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

The SPEAKER. On that question, the Chair recognizes the gentledady, Mrs. Vance.

Mrs. VANCE. Would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Veon, agrees to consent. The gentledady is in order and may proceed.

Mrs. VANCE. Thank you, Mr. Speaker.

Does your amendment only cover managers, students, and interns who have direct contact with patients or does this cover indirect contact as well?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate that question, and the answer to that question is yes.

Mrs. VANCE. Yes, it covers only those who have direct contact?

Mr. VEON. That is correct. Yes. Only those who would have direct contact.

Mrs. VANCE. Thank you very much.

We would support that amendment.

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentledady's support of this amendment. I appreciate the work that she has done with members here, both Republican and Democrat, to make this a good bill and bring it to the floor here today.

We have, I know, one other amendment on our side that is not agreed to and we will have some discussion on that, but I appreciate the acceptance of this particular amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-193

Table listing names of members who voted 'Yeas' (193 total) in four columns: Adolph, Evans, J., Maher, Sather, Allen, Fabrizio, Maitland, Saylor, etc.

NAYS-0

NOT VOTING-0

EXCUSED-9

Table listing names of members who were excused (9 total) in four columns: Belfanti, Horsey, LaGrotta, Micozzie, Cruz, Josephs, Lynch, O'Brien, Frankel.

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. **WHEATLEY** offered the following amendment No. **A4053**:

Amend Bill, page 12, by inserting between lines 10 and 11 Section 6.1. Court orders allowing employment.

(a) Scope.—An applicant or employee who would otherwise be precluded from employment in a hospital under section 5(a) may seek a petition for a court order to allow employment.

(b) Procedure.—

(1) A petition under this section must be filed in the court of common pleas in the county where the principal residence of the applicant or employee is situated.

(2) The court shall provide notice of the petition to all of the following:

- (i) The Pennsylvania State Police.
- (ii) The district attorney of the county where the disqualifying offense occurred.
- (iii) The district attorney of the county where the petition is filed.
- (iv) The victim of the disqualifying offense; if the victim is a minor at the time of the petition, the parent or guardian of the victim; or, if the victim is deceased, family members of the victim.

(3) Any person that receives notice under paragraph (2) has standing to intervene in the action seeking the order to allow employment.

(4) The court shall hold a hearing on the petition.

(c) Hearing.—

(1) The court shall hold a hearing within 90 days of filing the petition.

(2) At the hearing, the court may receive evidence from any of the following:

- (i) A party.
- (ii) A licensed professional who has treated the petitioner.
- (iii) An employer intending to hire the petitioner.
- (iv) Others with knowledge of the petitioner.

(d) Determination.—To obtain an order under this section, the petitioner must prove all of the following by clear and convincing evidence:

(1) At least five years have elapsed since sentencing for the disqualifying offense. This paragraph does not include time spent in incarceration.

(2) The petitioner is fit to work in a hospital. This paragraph includes the following factors:

- (i) The circumstances of the disqualifying offense and the nature of the conviction.
- (ii) Successful completion of sentence for the disqualifying offense.
- (iii) Length and stability of the petitioner's employment history, particularly in the field in which the petitioner is seeking work.
- (iv) Postconviction rehabilitation, including history of community service, psychological counseling and character references.

(e) Order.—

(1) The court shall issue a decision within 30 days of the hearing unless:

- (i) additional time is requested by the petitioner;
- or
- (ii) there is a showing of good cause by the district attorney of the county in which the petition of employment is filed.

(2) If the court grants an order allowing employment to a petitioner, the following apply:

(i) A copy of the order shall be filed with the prothonotary within ten days of the entry of the order.

(ii) A copy of the order shall be transmitted to:

- (A) the department; and
- (B) the Pennsylvania State Police.

(f) Effect.—

(1) An order allowing employment granted shall be applicable for all hospitals. The order shall permit an applicant or employee to seek, possibly obtain or retain employment within hospitals, but does not require a hospital to offer a position of employment to the individual.

(2) A hospital may not be held civilly liable for any action directly related to good faith compliance with this section.

(3) The Pennsylvania State Police shall integrate an order received under this act into the system under 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(g) Expungement and pardon.—An order allowing employment shall not result in the expungement of criminal history record information, nor shall it constitute a gubernatorial pardon.

(h) Notice to applicants and employees precluded from employment.—Notification of the provisions of this section shall be provided by the hospital, in a form designated by the department, to each applicant or employee precluded from employment.

Amend Sec. 10, page 14, by inserting between lines 4 and 5

(1.1) If the information obtained under section (4)(a)(1) reveals that the employee is disqualified from employment under section (5)(a) and the employee is eligible to file a petition under section 6.1, the hospital shall have the discretion to place the employee on suspension without pay or to continue the employee's employment under supervision with no unsupervised direct contact with patients until an order is obtained from the court. The department shall develop guidelines regarding the supervision of employees subject to this paragraph.

Amend Sec. 10, page 14, by inserting between lines 27 and 28

(7) The employee may not be dismissed from employment on the basis of an offense resulting in disqualification from employment under section (5)(a) before a final determination is made under section 6.1.

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

The **SPEAKER**. It is moved by the gentleman, Mr. Wheatley, that the rules of the House be suspended for immediate consideration of his amendment, amendment 4053.

On that question, the Chair recognizes the gentleman, Mr. Wheatley.

Mr. **WHEATLEY**. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in hopes that we can meet what one of our colleagues on the other side of the aisle just momentarily stated, we can have some real due process made available for people in the State of Pennsylvania.

In this bill this amendment is trying to address an oversight that I think we all would agree that we should at least have in here. My amendment will allow for due process for those individuals who have fallen under the lifetime ban element of Representative Vance's bill. And essentially, what this will do is allow for people who have gone through a system and have tried to buy into our words of rehabilitation, who have developed themselves and are now seeking employment in one of the largest and fastest growing sectors of our economy, a sector that if we can believe what the head of the Hospital Association has said, a sector that is over 262,000 employees in this Commonwealth, one that generates

millions upon millions, billions of dollars in the Commonwealth, one that allows for individuals to have gainful employment for themselves and their family—

The SPEAKER. Would the gentleman suspend just for one moment, please?

Mr. WHEATLEY. Yes, sir.

The SPEAKER. We are on the phone at the current time with the Reference Bureau to find out whether this is a corrective amendment or not, Mr. Wheatley. We will be back to you momentarily as soon as we get the answer.

It is the Reference Bureau's error. Since it is the Reference Bureau's error, the gentleman does not need to suspend the rules in order to offer the amendment.

So on the amendment, amendment A4053, the Chair recognizes the gentleman, Mr. Wheatley.

Mr. WHEATLEY. Thank you. Thank you, Mr. Speaker.

Essentially, essentially, again, all my amendment is trying to accomplish is to offer a process by which individuals who have made mistakes in their lives and who are trying to redevelop or change their lives around to be productive citizens of the Commonwealth, is offering them a process by which they can show themselves worthy enough to work in this sector. Understanding that we spend millions of dollars in the Department of Corrections to retrain people and to teach people how they can change their lives around to become productive citizens and then understanding the fact that one of the main determinants of if a person will make it and make their lives something worthwhile is that they have gainful employment. Knowing that we are creating possibilities for them to not have the opportunity for gainful employment and then are not going to create a process by which they can prove themselves worthy, I think is a mistake, and so this amendment, this amendment was drafted and offered here today as a way to correct that mistake.

This amendment does not, it does not state that people who fall under lifetime bans would have to, would have to automatically be allowed to work. It is a process by which they can show themselves worthy enough and safe enough to be allowed to work in these facilities.

This amendment offers a court process. It has some very strict guidelines to what a person would have to show and prove. It does not put a cost on the State. It does not, it does not automatically make the employer have to keep these people in employment. It gives, I think, it empowers the employers to be the ultimate determining factor of if a person is worthy enough and safe enough to work in our hospitals or in our nursing homes or health-care facilities.

We cannot continue in good faith, I do not believe, we cannot continue to prevent people from an opportunity to make themselves different than their current circumstances, a lifetime banning out of a sector that we consider, we all can see is one of our fastest growing economic generating sectors, service sector. Eliminating them from this possibility will be a grave mistake.

We made this determination without a process, without a process. All this amendment is doing is allowing for a process, for giving them a process by which they can go forth to try to prove themselves worthy enough. All this amendment is doing, once again, is offering a process by which these people can prove themselves worthy enough to be allowed to work in these facilities, and for us to not allow that to happen, for us to not allow for a process will be a grave mistake, a mistake that we are saying, it does not matter. Once you create this error in your

life, once you do this thing in your life, you are forever convicted of that crime and you will never be able to change your life around, which means we are wasting our money, spending the money to train people in prisons. We are wasting our money. We might as well take those millions of dollars of training out of that prison budget and put it to something else. Let us just keep creating and building prisons, because essentially, that is what we are doing. We are preventing people from the ability to work if they want to work legitimately.

All this amendment is trying to do is offer a process, and for me, I think this is one of the gravest, gravest injustices that we are doing to people when we do these lifetime bans without offering processes by which people can prove themselves worthy to work.

So I would appreciate and ask and beg and plead for all who are listening and all who want to do the right thing on this. Again, this is not, this is not an amendment that is preventing the lifetime ban. It is just offering a process by which the lifetime ban can happen, and it also is setting up criteria. It is also setting up criteria. Right now, if we vote this bill as it currently is, right now a lifetime ban, if you are an employer, if you work at one of these facilities and you submit for a background check and it comes up that you have one of these listed enumerated crimes in your past and you have been in this facility for 10 years or more, it does not matter. You are banned from working. You would have to leave your job at the moment they have certified that you are convicted of these crimes. You would have to leave your job. You have no process by which you can show rehabilitation or that you are worthy. No matter if you have 10 years on the job, you would have to leave.

That is why I say this amendment makes this bill a little bit better, because it offers a process. All of you who believe in processes, all of you who believe that people should be given a chance to prove themselves to be different, if you believe in that concept, then you should have no problem voting on this amendment. This amendment does not do anything but set up a process, a process, due process. I think I heard one of the Reps from the other side of the aisle talk about that – due process.

I believe without this amendment, this bill, I believe, is subject to a constitutional challenge, without this amendment. From everything I can read and have been taught and learned, we as a country believe in giving people due process.

The EEOC, the Equal Employment Opportunity Commission, has talked about this – Federal standards. You should have to prove a reason, a justifiable reason, for people not being able to be employed in a certain field. It should not be solely based on their criminal record past unless it has direct ties into the job they are applying for. Why not offer— What is the big deal in allowing for a process for people to prove themselves – going to the court; everyone being notified. This is not something we are doing absent of people being notified that you may have someone with a certain history working in a facility. No one here wants to put our citizens at risk, but the flipside to that argument is, the flipside to that argument that we are putting our citizenry at risk, is if we continue to ban people from employment, you are putting people, citizens of this Commonwealth, at risk. Because I committed a crime in my past, I am no longer able to work in these fields, cannot gain gainful employment. So you are putting me at risk. You are limiting my opportunities, my family's opportunities. Communities, certain communities, are going to be greatly

impacted by this. Then the Commonwealth will have other financial burdens to handle this situation.

All this amendment is doing – I cannot say this enough – all this amendment is doing is setting up a process by which people can prove themselves credible enough to work in these facilities.

I would ask you all to support this amendment. I would ask you all to support this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I would ask you to vote “no” on the Wheatley amendment for the following reasons: The bill that is before you provides a procedure for individuals who are subject to a 10-year ban on employment to obtain a certificate to even reduce that ban to 5 years. The amendment that the gentleman is proposing deals with individuals subject to a lifetime ban. These individuals are murderers, rapists, and those that are guilty of serious physical harm.

As many of you know, this bill is based on amendments we passed earlier this year when we did the Older Adults Protective Services Act. The Pennsylvania Supreme Court in their decision, *Nixon v. the Commonwealth*, Justice Castille said, “There unquestionably are certain criminal offenses which are of such severity that all reasonable persons might agree that a lifetime ban from this type of employment is both rational and, indeed, required. Some debts to society cannot” ever “be entirely repaid.”

I would please note that this applies to only those people who work in hospitals who have direct care and direct contact with patients and not everyone who may work in a hospital, but I ask all of you, who should we be protecting? I believe it is the patients in a hospital. Rapists, murderers, child molesters – do we really want these people working in hospitals?

There is a constitutional process for individuals to seek relief from a lifetime ban. It is the pardons process. I do not believe we should circumvent the Board of Pardons and the Governor’s executive authority to grant pardons and reprieves.

I would urge members to vote against this amendment and remember that our obligation is to the patients in the hospitals.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I want to be clear on a couple of points, and I guess I should back up and also commend all of the Representatives and staffers who worked hard on this issue, but to the members, let us be clear, some of the people who we are talking about being banned for life without any due process for them are people who are already working in the system right now, have been there for years. Some of the people we are talking about, I mean, there are estimates that in certain counties of this Commonwealth, if this were to be enacted, 25 percent of their workforce may be impacted in a negative way behind this with no process by which these people can come back and show themselves to be different than who they were 15, 20, 30 years ago.

No one, no member, I believe, wants to put any citizen of the Commonwealth in harm’s way. No member wants to do that. My amendment is not saying, let us allow rapists and murderers and criminals who are trying to destroy our free society, let us

let them run free in our hospitals and our health-care facilities with our most vulnerable population. That is not what I am saying here.

What this amendment is trying to do is set up a process by which when a person is duly convicted of a wrongdoing, which they had a process by making sure they took in all the facts of that person when they committed that crime and they were convicted in a process, all it is saying is, once they have paid their due to society, once they have done that, and then once they have spent time – because you cannot just come out of one of our facilities and then go into a hospital under this amendment. This amendment is not saying that. Everything that you agreed to in the bill as far as the process by which a person can even be considered for a certificate of eligibility under the 10-year ban, it is the same process for a lifetime ban. We are just saying there should be a process by which a person who has legitimately tried to change their life around, that they allow to show that change, that someone should consider that change, that the Commonwealth believes in rehabilitation of a person, because generally, that is what I think this is about. Either we believe people can be rehabilitated or we do not. If we do not believe in rehabilitation, if we believe that once you make a mistake— And yes, I do believe there are certain things you can do in your life that ultimately you just cannot turn around and come back for. I believe in that. I mean, who would argue that point?

But what I also believe in is allowing people at least a process. There should be someone, some entity, some group, some organization, willing to listen to every circumstance of a person’s life to see if they are justifiable and generally trying to do the right thing, and if they are, we should be trying to help them. We should be trying to help them. That is what this amendment is saying. Let us help those who are trying to help themselves. But if we do not believe in helping people who are trying to help themselves, then why do we waste so many millions of dollars trying to retrain these folks? We should say, once you commit certain crimes, you are forever shunned. We should put a letter on your chest. You cannot come around kids; you cannot come around elderly; you cannot work; you cannot do anything. You are just the outside of society right now. We are just going to keep you in the criminal justice system. If that is what we are saying to these people, that is just sad. Let us stop hiding behind these laws. Let us just say it to people and let us stop wasting the taxpayers’ money. Maybe we can take that extra money we are spending in the prison systems and put it somewhere else.

All my amendment is doing, all this amendment is doing, is setting up a process by which everyone can have a chance. Everyone should be given a chance. There is no harm. No one can tell me the harm. I beg for someone to tell me the harm of allowing a process for these people to go through. What is the harm to the citizens?

If we allow the court system to hear their case, to hear their argument for why they should be allowed to work, what is the harm? Who is hurt for that? But if we just step out today and ban them with no process, you are harming not only those citizens but the families of those citizens, the communities of those citizens. This Commonwealth, the potential taxable income of this Commonwealth, is harmed by that.

Now, I may be talking to deaf ears. I do not know if people are listening to me or not, but I believe this is just a process

amendment. This has nothing to do about anything. If people want to try to scare you we are going to let murderers and rapists, no, I am not advocating murderers and rapists to be allowed to work in these facilities. I am saying, if somebody has generally changed their life around, then we should be allowing them to have an opportunity to work.

I am asking you to support me on that belief, that concept, that basic concept in this country and, I believe, in this Commonwealth of allowing a process by which we judge people.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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. Horsey. His name will be added to the master roll.

LEAVES OF ABSENCE

The SPEAKER. The Chair received a regular request for leaves of absence for the gentelady from Montgomery, Mrs. CRAHALLA, and the gentleman from Dauphin, Mr. McNAUGHTON. Without objection, those leaves will be granted.

CONSIDERATION OF HB 2637 CONTINUED

The SPEAKER. On the question, the Chair recognizes the gentelady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

Very, very briefly. There is a constitutional process for individuals to seek relief from a lifetime ban. It is called the pardons process.

The Hospital Association is very supportive of this legislation. I hope the members will concur with me that our obligation is to protect the patients in the hospital.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—41

Bishop	Harhai	Myers	Sturla
Butkovitz	Horsey	Oliver	Thomas
Buxton	James	Petrone	Travaglio
Cohen	Keller	Preston	Veon
Corrigan	Kirkland	Rieger	Vitali
Costa	Laughlin	Roberts	Washington
Daley	Lederer	Roebuck	Waters
DeWeese	Lescovitz	Rooney	Wheatley
Diven	Manderino	Ruffing	Williams
Gergely	Melio	Stetler	Youngblood
Gruitza			

NAYS—151

Adolph	Evans, J.	Lewis	Santoni
Allen	Fabrizio	Mackereth	Sather

Argall	Fairchild	Maher	Saylor
Armstrong	Feese	Maitland	Scavello
Baker	Fichter	Major	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Freeman	McCall	Smith, B.
Bebko-Jones	Gabig	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Biancucci	George	McIlhinney	Stairs
Birmelin	Gillespie	Metcalfe	Steil
Blaum	Gingrich	Millard	Stern
Boyd	Godshall	Miller, R.	Stevenson, R.
Browne	Good	Miller, S.	Stevenson, T.
Bunt	Goodman	Mundy	Surra
Caltagirone	Grucela	Mustio	Tangretti
Cappelli	Habay	Nailor	Taylor, E. Z.
Casorio	Haluska	Nickol	Taylor, J.
Causer	Hanna	O'Neill	Tigue
Cawley	Harhart	Pallone	True
Civera	Harper	Payne	Turzai
Clymer	Harris	Petrarca	Vance
Coleman	Hasay	Petri	Walko
Cornell, S. E.	Hennessey	Phillips	Wansacz
Creighton	Herman	Pickett	Watson
Curry	Hershey	Pistella	Weber
Dailey	Hess	Raymond	Wilt
Dally	Hickernell	Readshaw	Wojnaroski
DeLuca	Hutchinson	Reed	Wright
Denlinger	Kenney	Reichley	Yewcic
Dermody	Killion	Rohrer	Yudichak
DiGirolamo	Kotik	Ross	Zug
Donatucci	Leach	Rubley	
Eachus	Leh	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.			

NOT VOTING—0

EXCUSED—10

Belfanti	Frankel	Lynch	Micozzie
Crahalla	Josephs	McNaughton	O'Brien
Cruz	LaGrotta		

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

On the question recurring,

Will the House agree to the bill on third consideration 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—191

Adolph	Fabrizio	Mackereth	Santoni
Allen	Fairchild	Maher	Sather
Argall	Feese	Maitland	Saylor
Armstrong	Fichter	Major	Scavello
Baker	Fleagle	Manderino	Schroder

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

NAYS-0

NOT VOTING-1

Wheatley

EXCUSED-10

Belfanti	Frankel	Lynch	Micozzie
Crahalla	Josephs	McNaughton	O'Brien
Cruz	LaGrotta		

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 770, PN 897**, entitled:

An Act providing for prescription drug redistribution within health care facilities.

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

Mrs. **VANCE** offered the following amendment No. **A4032**:

Amend Sec. 2, page 2, by inserting between lines 16 and 17
"Vendor pharmacy." A licensed pharmacy that is located on the premises of a health care facility or State correctional facility and dispenses medications exclusively to the health care facility or State correctional facility in which it is located.

Amend Sec. 3, page 4, by inserting between lines 8 and 9

(h) Limitation of liability.—No pharmaceutical manufacturers shall be held liable for any claim or injury arising from the transfer of any prescription drug pursuant to the provisions of this section, including, but not limited to, liability for failure to transfer or communicate product or consumer information regarding the transferred drug, as well as the expiration date of the transferred drug.

Amend Sec. 3, page 4, line 9, by striking out "(h)" and inserting
(i)

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

LEAVE OF ABSENCE

The **SPEAKER**. The Chair returns to leaves of absence, and the majority whip requests a leave of absence for the gentleman from Erie, Mr. **EVANS**. Without objection, that leave will be granted.

CONSIDERATION OF HB 770 CONTINUED

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

The **SPEAKER**. The gentledady, Mrs. Vance. Does the gentledady, Mrs. Vance, wish to speak? No.

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

The following roll call was recorded:

YEAS-191

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

Cappelli	Harhai	Oliver	Thomas
Casorio	Harhart	O'Neill	Tigue
Causer	Harper	Pallone	Travaglio
Cawley	Harris	Payne	True
Civera	Hasay	Petrarca	Turzai
Clymer	Hennessey	Petri	Vance
Cohen	Herman	Petrone	Veon
Coleman	Hershey	Phillips	Vitali
Cornell, S. E.	Hess	Pickett	Walko
Corrigan	Hickernell	Pistella	Wansacz
Costa	Horshey	Preston	Washington
Creighton	Hutchinson	Raymond	Waters
Curry	James	Readshaw	Watson
Dailey	Keller	Reed	Weber
Daley	Kenney	Reichley	Wheatley
Dally	Killion	Rieger	Williams
DeLuca	Kirkland	Roberts	Wilt
Denlinger	Kotik	Roebuck	Wojnaroski
Dermody	Laughlin	Rohrer	Wright
DeWeese	Leach	Rooney	Yewcic
DiGirolamo	Lederer	Ross	Youngblood
Diven	Leh	Rubley	Yudichak
Donatucci	Lescovitz	Ruffing	Zug
Eachus	Levdansky	Sainato	
Egolf	Lewis	Samuelson	Perzel,
Evans, D.	Mackereth	Santoni	Speaker
Fabrizio			

NAYS-0

NOT VOTING-0

EXCUSED-11

Belfanti	Evans, J.	LaGrotta	Micozzie
Crahalla	Frankel	Lynch	O'Brien
Cruz	Josephs	McNaughton	

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?

Mrs. VANCE offered the following amendment No. **A3946**:

Amend Sec. 3, page 4, by inserting between lines 16 and 17

(i) Federal law.—All provisions of this act shall be in compliance with section 1171(4) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1320d(4)).

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

The following roll call was recorded:

YEAS-191

Adolph	Fairchild	Maher	Sather
Allen	Feese	Maitland	Saylor
Argall	Fichter	Major	Scavello
Armstrong	Fleagle	Manderino	Schroder
Baker	Flick	Mann	Scrimenti
Baldwin	Forcier	Markosek	Semmel
Bard	Freeman	Marsico	Shaner
Barrar	Gabig	McCall	Smith, B.
Bastian	Gannon	McGeehan	Smith, S. H.

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Belfanti	Evans, J.	LaGrotta	Micozzie
Crahalla	Frankel	Lynch	O'Brien
Cruz	Josephs	McNaughton	

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Belfanti	Evans, J.	LaGrotta	Micozzie
Crahalla	Frankel	Lynch	O'Brien
Cruz	Josephs	McNaughton	

HB 2637 RECONSIDERED

The SPEAKER. The Chair has before it an immediate reconsideration of the vote made by the gentleman, Mr. Wheatley, who moves that the vote by which HB 2637, PN 3907, was passed on the 20th day of October be reconsidered.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

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.

EXCUSED—11

Belfanti	Evans, J.	LaGrotta	Micozzie
Crahalla	Frankel	Lynch	O'Brien
Cruz	Josephs	McNaughton	

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask if the maker of this bill would rise for interrogation.

The SPEAKER. The gentlelady indicates she will stand for interrogation. The gentleman, Mr. Wheatley, is in order and may proceed.

Mr. WHEATLEY. Mr. Speaker, I wanted to know, as you were developing this bill, what was the impetus? Was there an outcry of something happening, or what led to the development of this bill? Are there numerous people who are running around in our hospitals and our health-care-related facilities who are murderers and rapists now and the need to address this issue is a public outcry now?

Mrs. VANCE. Thank you, Mr. Speaker.

As you know, I am a professional nurse by background, but actually, this amendment was proposed by Representative Veon when we did the Older Adults Protective Services Act, that he wanted it extended to hospitals. So at that time we said that we would come back and do it on hospitals, and we are doing exactly what we said we would.

Mr. WHEATLEY. Mr. Speaker, do you know what the number, what impact this will have? What is the breakdown? How many people will be impacted? How many people will lose their jobs or how many people will be prevented based on this? Do you know how many people fall in the 10-year ban, how many will fall in the lifetime ban?

Mrs. VANCE. At present there are 283,000 hospital employees, but since most hospitals already do background checks, our guess is it would have an almost minimal impact.

Mr. WHEATLEY. So just for my own clarity purposes, right now hospitals already are doing the background checks and—

Mrs. VANCE. Not all; not all.

Mr. WHEATLEY. Many of our hospitals are already doing background checks now. They are already sifting through who is appropriate to work there and who may not be appropriate to work there. We are already allowing the employer at this current time to handle that, but there was a need, some outcry, and I am trying to get you where that outcry came from to have this extra step put in place, and can you answer that question for me, Mr. Speaker?

Mrs. VANCE. Again, I would repeat, Mr. Speaker, that it is because of an amendment proposed on this floor earlier this year by Representative Veon, who wanted this enacted at the same time we did the Older Adults Protective Services Act.

Mr. WHEATLEY. So for all intents and purposes, we are going to pass a law that there may not be a need for.

Mrs. VANCE. I strongly disagree with you. There is a need for this law. If one patient is harmed by a murderer or a rapist that happens to be still employed by one of those hospitals who do not do background checks, our first obligation is to the patient, to no one else.

Mr. WHEATLEY. So, Mr. Speaker, let me ask you, do you know how many cases in the last 10 years of patients being abused or harmed because of someone who had a prior conviction?

Mrs. VANCE. Those statistics are not currently available. But again, let me say, if there is any question about the risks, the bill weighs in favor of protecting the patients.

Mr. WHEATLEY. So, Mr. Speaker, can I assume very close to the end of this year, before we leave session, we are going to have bills that are going to try to prevent people who may look dangerous or people who may come from dangerous communities or people who do not have certain background profiles? So there are other criteria that we are going to start to ban people by if we do not have justifiable reasons for banning people with a criminal past. If we do not know the number, if we do not even know the number of incidents that have happened with someone who has a criminal past that has committed a crime inside of our hospitals but we are going to ban people who have these pasts, I am trying to find a basis of that, because I am with you. I do not want to put citizens at risk. I do not want to put them at risk.

Are you basing this, Mr. Speaker, off of some justifiable study that says people who have committed crimes before are liable to do it again and they are liable to harm patients? Do you have some statistic like that?

Mrs. VANCE. Mr. Speaker, some of the things you have just said are very incorrect. This has nothing to do with the community which a worker in a hospital comes from. It has nothing to do with their background unless it is a criminal background and unless they have committed rape or murder or some serious crime. We are not trying to throw up a false impression. If they have this in their background, we believe very strongly we should be protecting the patients and not allowing them to work in hospitals. If someone has a clear record, what would they fear from a background check?

Mr. WHEATLEY. Well, Mr. Speaker, I agree. I think no one should fear a background check, and I do not think that is what our disagreement may be on this.

I am asking if you are trying by this bill to prevent people from harming our citizens who happen to be at their neediest in the hospitals, and your premise for offering the bill as a way of getting to that, to making sure the risk is minimized, is by people who have criminal pasts. And I am asking you if you base that on any type of statistics or do you have any numbers that justify the using of their criminal past as the barrier or as the determinate factor, then I am saying you basically, indiscriminately, are just pulling out the number. You are saying, well, if someone creates or has done X in their past, then they are liable to do Y today which will harm our citizens. Then that same argument when you do not have numbers to justify can be made by, well, people who come from lower income neighborhoods and have been exposed to or have not had an education and you just allow them to work in a hospital, they may have a criminal tendency. You know, you do not have any numbers that justify using their criminal past; you are just coming out and saying, well, if they committed this crime when they were 15 or 18, then they must still be the same when they

are 35 or 45. So I am asking you, do you have numbers to justify or have you based this on some type of statistical research that says if a person has committed this crime, then they are more likely to do this today?

Mrs. VANCE. Again, Mr. Speaker, it does not matter where the employee is from, what their background is, what their education is; it only matters if they have a criminal background. We are here to protect the patients. I cannot imagine why anyone would not want to support making sure that the patients in a hospital are safe.

Mr. WHEATLEY. Well, Mr. Speaker, first let me state clearly that I am for protecting patients as well, and we have already established the fact from earlier in the conversation that the hospitals already generally are doing background checks and that generally we believe this law will have a minimal impact on the employees who are working in hospitals right now, because our hospitals, many of them already are doing their due diligence to make sure we have quality people who are respectable people, who are people who care about our citizenry. We already are doing that work now in our hospitals right now.

So I am trying to get to the bottom of why we are offering this piece of legislation now. I am wondering if there was a major public outcry based on a rash of ex-offenders who have run through our hospitals and overtaken our hospitals and have put our citizens all of a sudden in major danger. So I am asking, if that is the case, then I want to be made aware, and I apologize for standing here and wasting everybody's time, and I will be on this bill with you. But what I am saying is, how did we get to this point? Are there some types of studies in Pennsylvania that say, we have so many ex-offenders that are trying to get into our hospitals, and if they get into our hospitals, they are going to cause a grave danger to our citizens? Do we have that? If we do, can I have it? I am asking, what caused us to be so spiteful to people who have done certain things, and now we just pick some of the most cruel murderers and rapists; that is what we use as an example to scare people.

I would like to give you a personal example and say, some of these people on this list, we have aggravated assault, and God knows, in some ways aggravated assault could be a general fight that one of your kids could be involved in that has been elevated to a felony-level assault and battery – a general fight. Now, yeah, that is wrong; that is bad, but those people under your definition will fall in the lifetime ban, possibly. It depends on how they were charged, and we all know there are varying degrees of what communities get charged with what crimes, and we know that it is just not all fair in love and war when we start talking about different communities and who gets charged with what and if certain crimes get elevated to felony crimes and certain crimes get let go as misdemeanors.

So when we are doing this major step here, this can have major financial impacts to many communities across this Commonwealth, and I am asking, are we doing it based on something real or are we just doing it based on a perceived threat that is not even real?

Mrs. VANCE. Mr. Speaker, I do not know what else I can say to you except that the hospitals strongly support this. We are not waiting to react until a patient is injured. We want to protect the patients in the hospital. It is not punitive against anyone. We want to make sure that when someone goes to the hospital, they are safe.

Mr. WHEATLEY. So, Mr. Speaker, am I to assume then that the Hospital Association asked for this bill?

Mrs. VANCE. The Hospital Association strongly supports this bill, Mr. Speaker.

Mr. WHEATLEY. I am asking, did they ask for the bill?

Mrs. VANCE. Yes; as a matter of fact, they did.

Mr. WHEATLEY. Okay. And, Mr. Speaker, can you tell me then, for those citizens whom we have banned for life inside of the hospitals, those citizens that we have banned for life, can you tell me then, where do they go?

Mrs. VANCE. They go somewhere where they do not have direct patient contact. If they are murderers and rapists, we do not want them around our patients. When there was any question about the risk, we weighed in on the side of the patient.

Mr. WHEATLEY. So, Mr. Speaker, can they work in these facilities and not have direct contact with the patients? What jobs can they do inside the facilities?

Mrs. VANCE. In the service area. This very clearly talks about direct patient contact.

Mr. WHEATLEY. So these individuals can work in food preparation. They can work in, I am assuming they can work cleaning the floors as long as they are supervised – janitorial – and I am assuming they can be managers of the hospitals then because they may not have direct contact, so they can be managers of hospitals. Would that be a correct assumption, they can be administrators?

Mrs. VANCE. Any manager, any job in the hospital that does not have direct patient access.

Mr. WHEATLEY. So we do not fear these people enough to ban them from inside the hospital; we just fear them enough so they do not have direct contact with our patients. So as long as you are preparing their food, we do not think that you can harm our patients. So anyone who may have a deviant nature and wanted to spice the food up a little bit, they are all right with us, because as long as you are not in the room with the patient, you are good.

The SPEAKER. Mr. Wheatley, are you still interrogating?

Mr. WHEATLEY. Yes.

The SPEAKER. Would you ask a question?

Mr. WHEATLEY. I am asking a question. I am saying, those people whom we allow to make the food for the patient, we are all right with them, because we only use them as—

The SPEAKER. You have already asked that question twice, Mr. Wheatley.

Mr. WHEATLEY. I am asking for clarity. Maybe I got a little hard of hearing, especially when I am getting tossed so much BS.

Mrs. VANCE. Mr. Speaker, I think that last comment is uncalled for, and this questioning is over.

The SPEAKER. I agree with the lady.

Mr. WHEATLEY. Well, Mr. Speaker, I have one final—

The SPEAKER. The gentleman's remarks have been out of order.

The gentleman, do you have a final statement?

Mr. WHEATLEY. I most certainly have a final statement.

The SPEAKER. The gentleman is in order.

Mr. WHEATLEY. Sometimes I have been taught in my life it requires us getting out of order to bring order, because we will continuously sit in these lavish halls in Harrisburg and not deal with reality. The reality of our consequences, what we do here, has major impact on people all throughout this Commonwealth.

And I know everybody is not created the same and I know that it is hard to get to equal, because equal means different things to different people, but when you start doing pieces of legislation like this and you want to focus on the worst in nature of people, I think that requires us to start getting out of order sometimes, because if we do not always go to the least common denominator of people's worst, how can we ever expect people to do better? If we only expect, and we talk about this with our kids and education; you got to have high expectations for them. If you do not have high expectations for our people who happen to do wrong in their life and then they want to change their life around, but they may have high expectations for themselves but we keep closing the doors on them, how can you expect them to be anything but criminal minded? Sometimes it requires us to take off our suits and ties and our dresses and sitting at these perfectly manicured places. Understand, some people in real life, real time, need a little bit of help. They are not asking you for much, but give them a little bit.

Now, we are just asking for a process by which these people can claim to change themselves around, and you slam the door in their face for that, and then you want to turn around and ask why they are still out here hustling and bustling and doing what they do, because when they want to do something different, you say they are not worthy of doing something different.

So do I have a final statement? Yeah, Mr. Speaker, I have a final statement, and it may not do any good, but, hey, they send me here to make these statements. I sit here almost 300-some-odd days and do not say anything, because most of what we do, most of what we do here, Mr. Speaker, to be quite honest, I think a dummy could do it – a dummy, a robot. But some of these things like we are doing right here, some of these things we are doing right here mean real things to real people. We are doing real things to real people, and we are harming them based on the fears of what they have done in their past, first off, because we do not believe that they can change, and I think that is bad. I think that is a bad way to operate. We always go to the least and work our fears on people. How can you ever expect them to do different?

I think you all should go home from here and weigh on your conscience. Come to where I live. When I see these ex-offenders come in my doors every day trying to change their life and all I can look at them and do is say, well, you can get a \$5-an-hour job and maybe, maybe somebody will make a law that makes it so you cannot get there, and it is hard for them to get that. The number one determinant of if a person is going to re-commit a crime is if they can find gainful employment. We know this, but we still make laws like this. What do we expect people to do? What do we expect? And we sit here like we are doing real work for people. We are not doing anything for people but making their lives harder. We should be ashamed of ourselves, and I will be okay with being out of order on this, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

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

NAYS—4

Kirkland	Thomas	Wheatley	Williams
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NOT VOTING—0

EXCUSED—11

Belfanti	Evans, J.	LaGrotta	Micozzie
Crahalla	Frankel	Lynch	O'Brien
Cruz	Josephs	McNaughton	

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 D

RESOLUTION PURSUANT TO RULE 35

Mrs. GINGRICH called up **HR 907, PN 4574**, entitled:

A Resolution designating the week of October 24 through 30, 2004, as “Respiratory Care Week” in Pennsylvania and commending respiratory therapists of Lebanon’s Good Samaritan Hospital and at all hospitals in this Commonwealth for their outstanding contributions to health care.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Belfanti	Evans, J.	LaGrotta	Micozzie
Crahalla	Frankel	Lynch	O’Brien
Cruz	Josephs	McNaughton	

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 on the floor of the House.

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Yes? The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I just wanted to add to the record that in the Democratic Caucus, the term “BS” stands for blatherskite – blatherskite – and it does have a similar meaning, but it is obviously less incendiary.

The SPEAKER. Well, the Chair thanks the gentleman for those remarks.

There will be a nonvoting session on Thursday and on Monday.

BILL AND VETO MESSAGE TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2758, PN 4224, along with the veto message be placed upon the table.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1914, PN 2501 By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for referendum or public hearing required prior to construction or lease.

EDUCATION.

RESOLUTION REPORTED FROM COMMITTEE

HR 752, PN 3919 By Rep. STAIRS

A Resolution endorsing and supporting the American Sommelier Association as the official education organization of all sommeliers within this Commonwealth.

EDUCATION.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Boyd.

Mr. BOYD. Mr. Speaker, I move that this House do now adjourn until Thursday, October 21, 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 4:05 p.m., e.d.t., the House adjourned.