

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 7, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 34

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Almighty God, searcher of our hearts, help us to draw near to You in all sincerity. We recognize You as the sovereign ruler over all the nations, to whom all powers of earth must one day bend the knee. Forgive us when we in pompous pride play the fool and pretend to be the captain of our ship and the master of our fate. Forgive us when we, who are in positions of leadership, use our power to gain advantages for ourselves. Strengthen and increase our admiration for honest dealing and clean thinking. Make us to choose the harder right instead of the easier wrong and never to be content with a half-truth when the whole can be won. Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy.

Remind us this day and always that if we are to be the greatest, we must become the servant of others. Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. As we serve this Commonwealth, may we do so with a zeal for justice and righteousness while always being ready with compassion for those who are weak. Create in us the will to do Your will so that we may do justice, love mercy, and walk humbly with You, O God.

Hear this our common prayer. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 6, 2005, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1601** By Representatives VEON, DeWEESE, BLACKWELL, BELFANTI, CALTAGIRONE, DALEY, DeLUCA, FABRIZIO, GEORGE, GOODMAN, JAMES, KIRKLAND, KOTIK, McGEEHAN, PISTELLA, ROONEY, SOLOBAY, STABACK, SURRA, TANGRETTI, THOMAS, YOUNGBLOOD and BIANCUCCI

An Act amending the act of June 26, 2001 (P.L.755, No.77), entitled "An act establishing a special fund and account for money received by the Commonwealth from the Master Settlement Agreement with tobacco manufacturers; providing for home and community-based care, for tobacco use prevention and cessation efforts, for Commonwealth universal research enhancement, for hospital uncompensated care, for health investment insurance, for medical assistance for workers with disabilities, for regional biotechnology research centers, for the HealthLink Program, for community-based health care assistance programs, for PACE reinstatement and PACENET expansion, for medical education loan assistance and for percentage allocation and appropriation of moneys," further providing for use of Tobacco Settlement Fund and home and community-based services; establishing the Inner City Community Care Program and providing for its management; further providing for accountability related to the home and community-based services program; defining "Healthy People 2010;" further providing for powers and duties of the Department of Health, for primary contractors, for contracts and purposes and for accountability related to tobacco use prevention and cessation program; further defining "infrastructure"; defining "R01 funding" and "technical support"; further providing for the Health Research Advisory Committee, for responsibilities of the Department of Aging, for peer review procedures, for use of research funds, for research grant applications, for National Institutes of Health funding formula and for National Cancer Institute funding formula; further defining "extraordinary expenses"; deleting provisions relating to reimbursement for extraordinary expenses, payments to hospitals, Federal funds, penalties and PACE reinstatement and PACENET expansion; providing for health care assistance for certain retirees; establishing the Securing Health Care Assistance for Retired Employees Board and the Securing Health Care Assistance for Retired Employees Trust Fund; providing for issuance of bonds; and making appropriations.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 7, 2005.

**No. 1646** By Representatives HERSHEY, DALEY, BASTIAN, SOLOBAY, ALLEN, ARMSTRONG, BARRAR, BEBKO-JONES, BENNINGHOFF, BLACKWELL, BOYD, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CLYMER, COHEN, CORRIGAN, DALLY, DeLUCA, DENLINGER, J. EVANS, FLEAGLE, FORCIER, GEIST, GERGELY, GINGRICH, HALUSKA, HARRIS, HICKERNELL, HUTCHINSON, JAMES, LaGROTTA, LEH, LESCOVITZ, MANN, MARKOSEK, McGEEHAN, McGILL,

R. MILLER, MUSTIO, MYERS, OLIVER, PAYNE, PETRONE, PRESTON, PYLE, RAPP, REICHLEY, RIEGER, SAINATO, SAYLOR, SEMMEL, STABACK, WANSACZ, WATERS, WHEATLEY, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD and ZUG

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, establishing the Office of Ordinance Review and the Agricultural Review Board; consolidating the Nutrient Management Act; further providing for scope, for legislative purpose, for definitions and for administration; providing for manure application; further providing for nutrient management and odor management certification; providing for odor management plans; further providing for the Nutrient Management Advisory Board, for financial assistance, for unlawful conduct, for civil penalties and for local preemption; providing for other statutes and for regulations; and making a related repeal.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 7, 2005.

**No. 1648** By Representatives O'BRIEN, DALEY, ADOLPH, ARGALL, BAKER, BALDWIN, BARRAR, BASTIAN, BEBKO-JONES, BELFANTI, BLAUM, BOYD, BROWNE, BUNT, BUTKOVITZ, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CIVERA, CLYMER, COHEN, CORRIGAN, COSTA, CRAHALLA, CREIGHTON, CURRY, DALLY, DENLINGER, DERMODY, DeWEESE, DIGIROLAMO, EACHUS, D. EVANS, J. EVANS, FABRIZIO, FAIRCHILD, FICHTER, FLEAGLE, FLICK, FRANKEL, FREEMAN, GABIG, GANNON, GEIST, GEORGE, GERBER, GERGELY, GODSHALL, GOODMAN, GRELL, HANNA, HARHAI, HARHART, HARPER, HARRIS, HASAY, HENNESSEY, HERMAN, HESS, HICKERNELL, HUTCHINSON, JAMES, KAUFFMAN, W. KELLER, KENNEY, KILLION, LaGROTTA, LEACH, LEDERER, LEH, LESCOVITZ, LEVDANSKY, MACKERETH, MAITLAND, MANN, MARKOSEK, MARSICO, McCALL, McGEEHAN, MCGILL, McILHATTAN, McILHINNEY, McNAUGHTON, MELIO, MICOZZIE, R. MILLER, NAILOR, NICKOL, O'NEILL, PALLONE, PAYNE, PETRARCA, PETRI, PETRONE, PHILLIPS, PISTELLA, PRESTON, QUIGLEY, RAPP, RAYMOND, READSHAW, REED, REICHLEY, ROBERTS, ROONEY, SAMUELSON, SATHER, SAYLOR, SCHRODER, SEMMEL, SHANER, SHAPIRO, B. SMITH, SOLOBAY, STABACK, STEIL, STERN, STETLER, R. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRUE, WALKO, WANSACZ, WATERS, WATSON, WHEATLEY, WILT and WRIGHT

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications, eligibility and compensation for district attorneys; and making repeals.

Referred to Committee on JUDICIARY, June 7, 2005.

**No. 1649** By Representatives TRUE, BEBKO-JONES, HICKERNELL, BOYD, THOMAS, BISHOP, BARRAR, BELARDI, BUXTON, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALEY, DeLUCA, FABRIZIO, FICHTER, FRANKEL, GEORGE, GERGELY, GOOD,

HARHART, JAMES, JOSEPHS, KENNEY, LEACH, MACKERETH, MANDERINO, MANN, McILHATTAN, NAILOR, PETRONE, PHILLIPS, RAPP, REICHLEY, ROEBUCK, ROSS, RUBLEY, SCHRODER, SHANER, SIPTROTH, STABACK, STERN, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TURZAI, WATSON, YOUNGBLOOD, GEIST, WRIGHT and CIVERA

An Act establishing the Drug and Alcohol Treatment and Prevention Fund; and providing for the deposit of a portion of the liquor tax into the fund and for use of fund.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 7, 2005.

**No. 1651** By Representatives MCGILL, BELFANTI, CALTAGIRONE, CORNELL, FABRIZIO, FICHTER, RUBLEY, SIPTROTH, TANGRETTI and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sale, use and alteration of air rifles.

Referred to Committee on JUDICIARY, June 7, 2005.

**No. 1652** By Representatives RAYMOND, ALLEN, BALDWIN, BUNT, CIVERA, GEIST, HENNESSEY, KILLION, KOTIK and YOUNGBLOOD

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for governing board; and providing for regional transportation authorities.

Referred to Committee on URBAN AFFAIRS, June 7, 2005.

**No. 1653** By Representatives RAYMOND, ALLEN, BAKER, BELFANTI, BOYD, CALTAGIRONE, CRAHALLA, CREIGHTON, GANNON, GILLESPIE, GOODMAN, HENNESSEY, KILLION, KOTIK, LEH, McILHINNEY, MICOZZIE, R. MILLER, REICHLEY, SATHER, SEMMEL, E. Z. TAYLOR, THOMAS, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for duplicate vehicle keys; and prescribing a penalty.

Referred to Committee on TRANSPORTATION, June 7, 2005.

**No. 1654** By Representatives METCALFE, CLYMER, ARGALL, ARMSTRONG, BAKER, BALDWIN, BASTIAN, BENNINGHOFF, BOYD, CAWLEY, CRAHALLA, CREIGHTON, DALLY, DENLINGER, FAIRCHILD, FORCIER, GINGRICH, GRUCELA, HABAY, HARRIS, HENNESSEY, HERMAN, HERSHEY, HICKERNELL, HUTCHINSON, McILHATTAN, MUSTIO, PYLE, REED, REICHLEY, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, STERN, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TIGUE, TRUE, TURZAI, WATSON and WILT

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records and for supplier and manufacturer licenses application; providing for manufacturer licenses; and further providing for occupation permit application, for local land use preemption, for public official financial interest, for enforcement and for corrupt organizations.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 7, 2005.

**No. 1655** By Representatives FAIRCHILD, ALLEN, ARMSTRONG, BAKER, BEBKO-JONES, BELFANTI, BLAUM, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALEY, DENLINGER, GEIST, GERGELY, GINGRICH, HARRIS, HENNESSEY, JAMES, JOSEPHS, LEDERER, LEH, MICOZZIE, PHILLIPS, PISTELLA, SATHER, STABACK, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, WALKO and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for use or possession of electric or electronic incapacitation devices.

Referred to Committee on JUDICIARY, June 7, 2005.

**No. 1656** By Representatives VEON, LaGROTTA, GODSHALL, JAMES, LEVDANSKY, McGEEHAN, STURLA and WRIGHT

An Act amending the act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, further providing for qualifying contribution.

Referred to Committee on FINANCE, June 7, 2005.

**No. 1657** By Representatives O'NEILL, BARRAR, BUNT, CALTAGIRONE, CORNELL, DERMODY, FRANKEL, GOODMAN, JAMES, W. KELLER, LaGROTTA, McGEEHAN, MCGILL, McILHINNEY, R. MILLER, S. MILLER, MUSTIO, RAYMOND, REICHLEY, SHANER, J. TAYLOR and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for limited wineries.

Referred to Committee on LIQUOR CONTROL, June 7, 2005.

**No. 1658** By Representatives CREIGHTON, CALTAGIRONE, GERGELY, PICKETT, TIGUE, ROHRER and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility.

Referred to Committee on TRANSPORTATION, June 7, 2005.

**No. 1659** By Representatives CREIGHTON, BOYD, CALTAGIRONE, CORNELL, CRAHALLA, DALEY, GEIST, GINGRICH, MACKERETH, MANN, RUBLEY, SAYLOR, B. SMITH, CLYMER, ARMSTRONG, YOUNGBLOOD and GABIG

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, prohibiting use of tobacco in college dormitories.

Referred to Committee on LOCAL GOVERNMENT, June 7, 2005.

**No. 1660** By Representatives READSHAW, THOMAS, BELFANTI, CALTAGIRONE, GEORGE, GERGELY, JAMES, LEDERER, MARKOSEK, PALLONE, SHANER, STURLA, TIGUE and WOJNAROSKI

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

Referred to Committee on HEALTH AND HUMAN SERVICES, June 7, 2005.

**No. 1661** By Representatives READSHAW, BEBKO-JONES, BELFANTI, BENNINGHOFF, BUXTON, CALTAGIRONE, DALEY, DeLUCA, DONATUCCI, FREEMAN, GEORGE, GRUCELA, HALUSKA, JOSEPHS, LaGROTTA, LEVDANSKY, MARKOSEK, McCALL, McILHATTAN, PALLONE, PETRARCA, PICKETT, PRESTON, SAINATO, SANTONI, SHANER, STABACK, STURLA, TANGRETTI, THOMAS, WHEATLEY, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary in years in which the President of the United States is nominated.

Referred to Committee on STATE GOVERNMENT, June 7, 2005.

**No. 1662** By Representatives READSHAW, BEBKO-JONES, BELFANTI, BENNINGHOFF, BUXTON, CALTAGIRONE, DALEY, DeLUCA, DONATUCCI, GEORGE, GERGELY, GRUCELA, HALUSKA, JOSEPHS, LaGROTTA, LEVDANSKY, MARKOSEK, McCALL, McILHATTAN, PALLONE, PETRARCA, PRESTON, SAINATO, SANTONI, SHANER, STABACK, STURLA, TANGRETTI, THOMAS, WHEATLEY, WOJNAROSKI and YOUNGBLOOD

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

Referred to Committee on STATE GOVERNMENT, June 7, 2005.

**No. 1663** By Representatives FEESE, S. H. SMITH, METCALFE, ADOLPH, ALLEN, ARGALL, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN,

BENNINGHOFF, BIRMELIN, BOYD, BUNT, CAPPELLI, CAUSER, CLYMER, CORNELL, CRAHALLA, CREIGHTON, DALLY, DENLINGER, ELLIS, FAIRCHILD, FICHTER, FLEAGLE, FLICK, FORCIER, GABIG, GEIST, GILLESPIE, GINGRICH, GOOD, GRELL, HANNA, HARHART, HARRIS, HERMAN, HERSHEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, LEH, MAHER, MAJOR, MARSICO, McNAUGHTON, MILLARD, S. MILLER, MUSTIO, PAYNE, PETRI, PHILLIPS, PICKETT, PYLE, QUIGLEY, RAPP, REED, REICHLEY, ROHRER, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, SONNEY, STERN, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI, WATSON, WILT, WRIGHT and ZUG

A Joint Resolution proposing integrated and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for legislative power, for appropriations and for surpluses.

Referred to Committee on APPROPRIATIONS, June 7, 2005.

**No. 1664** By Representatives CASORIO, CALTAGIRONE, DALEY, DENLINGER, PRESTON, THOMAS and YOUNGBLOOD

An Act amending the act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employees (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for qualifications for appointment in the competitive class of the civil service.

Referred to Committee on LOCAL GOVERNMENT, June 7, 2005.

**No. 1665** By Representatives CASORIO, CALTAGIRONE, GERGELY, KOTIK, McILHATTAN, SHANER and THOMAS

An Act amending the act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employees (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for detectives.

Referred to Committee on LOCAL GOVERNMENT, June 7, 2005.

**No. 1666** By Representatives McNAUGHTON, ARMSTRONG, CALTAGIRONE, CAPPELLI, CAWLEY, GEIST, GERGELY, GODSHALL, HANNA, HENNESSEY, MCGILL, MUSTIO, SHANER and E. Z. TAYLOR

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, prohibiting hunting in and around game feeders and game feeding areas.

Referred to Committee on GAME AND FISHERIES, June 7, 2005.

**No. 1667** By Representatives SAYLOR, HUTCHINSON, ARMSTRONG, BARRAR, BASTIAN, BENNINGHOFF, CIVERA, CRAHALLA, CREIGHTON, DENLINGER, GEIST, GILLESPIE, HARRIS, LEH, R. MILLER, O'NEILL, PICKETT, PYLE, REICHLEY, ROHRER, SCHRODER, SONNEY, STERN and E. Z. TAYLOR

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

Referred to Committee on STATE GOVERNMENT, June 7, 2005.

**No. 1668** By Representatives SAYLOR, HUTCHINSON, GEIST, FAIRCHILD, ARMSTRONG, BELFANTI, CALTAGIRONE, CAPPELLI, CRAHALLA, FABRIZIO, GILLESPIE, M. KELLER, R. MILLER, PYLE, RAPP, SCHRODER, B. SMITH, SOLOBAY, E. Z. TAYLOR and TIGUE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal Selective Service requirements as part of application for learners' permits or drivers' licenses.

Referred to Committee on TRANSPORTATION, June 7, 2005.

**No. 1669** By Representatives SAYLOR, CLYMER, BOYD, GINGRICH, GILLESPIE, R. MILLER, ARGALL, ARMSTRONG, BENNINGHOFF, CALTAGIRONE, CRAHALLA, CREIGHTON, DENLINGER, GEIST, HARRIS, LEACH, PYLE, SCHRODER, B. SMITH, E. Z. TAYLOR and HARPER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for elections in the event of catastrophic loss.

Referred to Committee on STATE GOVERNMENT, June 7, 2005.

**No. 1670** By Representatives SAYLOR, GILLESPIE, HUTCHINSON, SCAVELLO, ARMSTRONG, CALTAGIRONE and HARPER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for the election of the Attorney General and changing the election of the Auditor General and State Treasurer.

Referred to Committee on STATE GOVERNMENT, June 7, 2005.

**No. 1671** By Representatives SAYLOR, GILLESPIE, HUTCHINSON, SCAVELLO, ARMSTRONG, CALTAGIRONE and HARPER

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for the terms of office of the Attorney General, Auditor General and State Treasurer.

Referred to Committee on STATE GOVERNMENT, June 7, 2005.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 332** By Representatives CREIGHTON, BARRAR, BELARDI, CALTAGIRONE, CAPPELLI, GEORGE, GINGRICH, HERSHEY, PALLONE, PICKETT, PISTELLA, REICHLEY, SHANER, E. Z. TAYLOR, TIGUE, TRUE, SCHRODER, ARMSTRONG, GOOD, ROHRER, YOUNGBLOOD and MCGILL

A Resolution urging the President and the Congress of the United States to support and enact legislation placing reasonable requirements on the reporting of publicly funded clinical trials.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 7, 2005.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Cameron P. Ciminera, Jeremy Redstreak, and Michael Lydon, who have recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Cameron P. Ciminera, Jeremy Redstreak, and Michael Lydon.

Whereas, Cameron P. Ciminera, Jeremy Redstreak, and Michael Lydon earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. They are members of Troop 28.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Cameron P. Ciminera, Jeremy Redstreak, and Michael Lydon.

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate  
June 6, 2005

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 13, 2005, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 13, 2005, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Allegheny, Mr. STEVENSON. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Washington, Mr. DALEY. Without objection, that leave will be granted.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhattan	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Gruclera	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causser	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt

DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

## GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Kari Brown and her mother, Gina. She attends Bible Baptist and will be a junior next year. She is the guest page today and a guest of Representative Glen Grell. The mother is in the balcony. Would those guests please rise and be recognized.

We have a guest page of Representative Ron Marsico, Chris Thompson. He is a recent eighth grade graduate of the Holy Name of Jesus School. He will be attending Bishop McDevitt in the fall. Would that guest please rise and be recognized.

### DIRECTOR GENERAL ANDREW HSIA OF TAIWAN PRESENTED

The SPEAKER. This morning, ladies and gentlemen, I have the distinct privilege of welcoming and introducing to the members of the House of Representatives Mr. Andrew Hsia of Taiwan.

The House of Representatives is honored to have Mr. Hsia and his delegation in our chambers here this morning. Mr. Hsia will introduce the rest of the delegation in just one moment. I thank the Taiwanese consulate in New York for helping us arrange today's short visit.

Mr. Hsia will reciprocate our hospitality when he hosts the Pennsylvania General Assembly delegation during their visit to Taiwan from August 1 through August 11 of this year. Members of the House and Senate will meet with many high-ranking Taiwanese officials and strengthen Pennsylvania's positive and mutually beneficial relationship with Taiwan.

Mr. Hsia is here today to reiterate the importance of the bilateral relationship between Taiwan and Pennsylvania. Our relationship has helped to strengthen both of our economies.

Mr. Hsia is a distinguished career diplomat, who has extensive and diversified experience with the Taiwanese Foreign Service. In 2001 he was appointed Director General of the Taipei Economic and Cultural Office in New York.

An international lawyer by training, Mr. Hsia holds several degrees, including a master of literature degree from England's Oxford University, a master's degree from Taipei's

National Cheng Chi University, and two law degrees. He is an asset to his country and his government.

Please join me in welcoming our honored guest, the Director General of the Taipei Economic and Cultural Office in New York, Mr. Andrew Hsia.

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

Mr. Speaker, distinguished members of the Assembly, it is indeed a great pleasure and privilege for me and my colleagues to be here with you this morning. I bring with me greetings from the government and the 23 million people of Taiwan.

The Commonwealth of Pennsylvania has always enjoyed a very close relationship with Taiwan. In terms of trade, we are your number 15 trading partner, and the number is increasing. And both of our peoples share many common values. Both of our peoples believe in freedom and democracy. For that, I have to thank this great Assembly for passing resolutions in the past 2 years supporting Taiwan as an observer in the Health Assembly. We needed the observership simply because our people suffered for the lack of membership in the Health Assembly. We suffered, we lost people in the SARS (severe acute respiratory syndrome) crisis because of China, and we could not get any help from the World Health Organization, again, because of China.

I realize that later this Assembly will once again pass a resolution. For that, I extend to you our heart-filled gratitude.

I mean, for years we have faced diplomatic isolation and military stress from China. However, we never cease to engage China in economic, social, and cultural fields. Even on the political differences, I think we are ready and willing to talk to China, but we will not negotiate under duress, under this forced concept of one China, as if we were part of them now.

Ladies and gentlemen, this great Assembly, this great Commonwealth, has always supported Taiwan, and for that, we are forever grateful. We remember with very fond memories of the support and friendship we enjoyed with your past Speaker, Mr. Matthew Ryan. For that, I hope we can continue to work with this Assembly, with you, Mr. Speaker, and all the distinguished members to continue this very mutually beneficial friendship between the Commonwealth of Pennsylvania and Taiwan.

Thank you very much.

## CALENDAR

## RESOLUTION

Mr. THOMAS called up **HR 50, PN 223**, entitled:

A Resolution commending Taiwan on its contributions to promote world health; and for other purposes.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—196

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor

Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth		Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Some important news. Last evening the Bowling Proprietors Association of Pennsylvania held their annual legislative bowling for charity tournament. This year's winner was Representative Marc Gergely of Allegheny County, who bowled a high game of 265. Marc's bowling partner last evening was Bob Borello, owner of the Holiday Bowl of Monroeville.

### GUEST INTRODUCED

The SPEAKER. With us today is the president of the Bowling Proprietors, Jack Minelli, owner of the Idle Hours Bowl in Scranton, and he is seated to the left of the Speaker. Would that guest please rise and be recognized.

### STATEMENT BY MR. GERGELY

The SPEAKER. Marc would like to say a few words.

Mr. GERGELY. I am sorry I let you down. I was 9 frames, into the 10th, almost bowling a 300. So I choked.

The irony of this— I really would like to thank the Pennsylvania Bowling Centers for donating the \$5,000 to the Pennsylvania Breast Cancer Coalition. And the irony is, yesterday morning I attended a funeral for one of my best friends' moms. She died of breast cancer. So last night winning that \$5,000, I called him and told him, and so this is on behalf of Joann Russell, in memory of her. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### RESOLUTIONS PURSUANT TO RULE 35

Mr. ZUG called up **HR 240, PN 1582**, entitled:

A Resolution paying tribute to Bobby Gerhart for his history-making victory in the 42nd Annual Advance Discount Auto Parts 200 at Daytona International Speedway on February 12, 2005.

On the question,  
Will the House adopt the resolution?

### GUESTS INTRODUCED

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

Mr. ZUG. Thank you, Mr. Speaker.

With us today is Bobby Gerhart. He is down to the left of the Speaker, to my right. And while he again is the first person, the second person— And only two people have ever accomplished the feat of winning the Daytona 200 three times in their career. Bobby still has a fourth to go.

With him today are Brenda Miller and his brother, Billy. And Bobby is affiliated with Hendrick Racing. Hendrick Racing has some other race drivers that you might know – Jimmie Johnson; Jeff Gordon; Kyle Busch, I believe. A representative from Hendrick is down front, too, Andy Papathanassiou. Up in the gallery with Bobby are some of his family and friends and his race crew.

So I thank you, Mr. Speaker, for allowing us to bring Bobby Gerhart Racing up here today, and John Payne and the Motorsport Caucus and my colleague from Lebanon County, Mauree Gingrich, to honor Bobby today, and I ask the House to unanimously pass this resolution honoring Bobby Gerhart and the feat that he achieved earlier this year.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

## YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causer	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

\* \* \*

Mrs. FORCIER called up **HR 311, PN 1953**, entitled:

A Resolution designating July 20, 2005, as "Ride to Work Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

## RESOLUTION PASSED OVER

The SPEAKER. The Chair rescinds. That resolution is passed over.

\* \* \*

Mrs. FORCIER called up **HR 313, PN 1973**, entitled:

A Resolution honoring Alpha Kappa Alpha Sorority by designating May 11, 2005, as "Alpha Kappa Alpha Sorority Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causer	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski



DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

\* \* \*

Mrs. CRAHALLA called up **HR 321, PN 2035**, entitled:

A Resolution congratulating Lower Providence Township, Montgomery County, on the celebration of the 200th anniversary of its founding.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali

Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermoddy	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

\* \* \*

Mr. BENNINGHOFF called up **HR 323, PN 2037**, entitled:

A Resolution recognizing the Centre County Solid Waste Authority and the Centre County Local Emergency Planning Committee for their 2005 Household Hazardous Waste Disposal Program.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

\* \* \*

Ms. RAPP called up **HR 327, PN 2008**, entitled:

A Resolution recognizing the Underground Railroad Convention in Sugar Grove Township, Warren County, Pennsylvania, June 18 and 19, 2005.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Ms. Rapp.

Ms. RAPP. Mr. Speaker, thank you.

The Underground Railroad and the abolitionist movement played a significant role in our nation's history and the history of the Commonwealth of Pennsylvania. The Underground Railroad Convention is the only event of its kind in the nation, and I am honored to have this event in Sugar Grove, in Warren County, and I am honored to have on the floor today Mr. Gregory Wilson, director of the Underground Railroad programs for Warren County Historical Society.

Gregory Wilson is the creator and executive director of the Sugar Grove Underground Railroad Convention. Currently serving as the director of the Underground Railroad programs

for the Warren County Historical Society, he was a contributing historian to the award-winning documentary "Safe Harbor," detailing the antislavery movement in western Pennsylvania. He is the author of "A Sojourner's Sketch of Sugar Grove." His research has uncovered one of the largest collections of firsthand accounts of antislavery found in northwest Pennsylvania, gaining Warren County national recognition for its mid-19th-century efforts in the country's first civil rights movement. A graduate of Lock Haven University of Pennsylvania, Mr. Wilson currently resides in Sugar Grove, Warren County, and is here with me today at the front of the House.

I ask for unanimous consent in passing this resolution.  
The SPEAKER. The Chair thanks the gentlelady.

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

The following roll call was recorded:

## YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Sammel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhattan	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causer	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

\* \* \*

Mr. MUSTIO called up **HR 328, PN 2009**, entitled:

A Resolution recognizing the achievements and 10th anniversary of Bayer's Making Science Make Sense program.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhattan	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnarowski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood

Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair at this time recognizes Representative Fairchild, who submits remarks for the record.

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

Thank you, Mr. Speaker.

On behalf of myself and Representative Merle Phillips, we would like to clarify for the record the events of July 17, 2003. The 2003-2004 budget process was ongoing during that time and the House convened at 11 a.m. that morning and adjourned at 10:30 p.m. that evening. Most of those 11 1/2 hours were spent in recess. We requested temporary leaves of absence, and the majority whip moved these leaves be granted. We were granted leave without objection, which was duly noted on the 11:12 a.m. master roll call. No other votes were taken on July 17, 2003.

We requested temporary leave to attend an important 11:45 a.m. luncheon meeting of the Central Susquehanna Valley Chamber of Commerce that was hosting the PA Speaker of the House. Important issues were discussed at that meeting, including dialogue relating to the proposed Susquehanna Valley Thruway, a significant transportation project in both of our districts.

We both left Harrisburg together at approximately 10:45 a.m. and returned directly to Harrisburg from Shamokin Dam after the luncheon meeting. We arrived back at the Capitol at approximately 2 p.m. No votes had taken place, and we joined our colleagues in caucus and informed the majority whip that we should be added to the master roll call when we returned to the floor for voting.

Upon review of the Legislative Journal, it was noted that no votes were taken and we were not added to the master roll call. We simply want to clarify for the record and state that we were both present in Harrisburg and in the Capitol on July 17, 2003. We were present both in caucus and on the floor of the House prior to the House adjourning at 10:30 p.m. We missed no votes on any legislation that day.

Thank you, Mr. Speaker.

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 464, PN 765**, entitled:

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

further providing for the definition of “employer” and for general powers and duties of department, providing for representation in proceedings; further providing for contributions by employers and employees, for successors-in-interest, for appeals, for interest on past due contributions and for limitations upon enforcement of payment of contributions, interest and penalties; providing for registration and other reports; further providing for the Special Administration Fund; providing for the Job Training Fund; further providing for the duties of the State Treasurer as custodian and for offenses relating to false statements and representations to prevent or reduce compensation and other offenses; and providing for monetary penalties.

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 gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I plan to vote “no” on SB 464, and I want to put my reasons on the record.

I did have an amendment to fix what I thought were the weaknesses of part of this bill, and surprisingly, actually, both sides of the controversy did not want me to offer my amendment, and so that is fine. I will not. But let me tell you what the problem is with the bill and why I predict it will be back again before us in the chamber, because the solution that is being proposed is not a good solution.

There are a number of different items in this bill that deal with unemployment compensation, and I am not debating the merits of any of them except for the part of the bill that deals with what is being said to correct a court decision called Harkness that deals with when corporations can or cannot go into a legal proceeding without an attorney.

Under the general law of Pennsylvania, corporations, because of the way that they are incorporated and the way that they chose to run their business and be incorporated, are legal entities in and of themselves, and so in a court of law, corporations must be represented by an attorney just to distinguish from an individual, who may choose to represent themselves, but because corporations are not individuals under the law, they have to have an attorney.

Now, there had been an informal practice at the unemployment compensation level to allow corporations to go into the hearings and to have their appeals unrepresented, and quite frankly, I think that informal process would have stood the test of time and would not have been challenged if a newer procedure of corporations going out and hiring experts to represent them who were not attorneys had not come on to the forefront.

But what people are not really talking about in the Harkness decision is that Harkness was not about an employer trying to go to an unemployment compensation hearing and representing himself or having his human resources or personnel person go in and represent himself. He hired a tax accountant expert, an outside expert who was a nonattorney, to go in and act as an attorney by cross-examining witnesses. And the court, I believe, correctly said that that is the unauthorized practice of law, that the practice of law, as with all other professions, is regulated by the profession, and in the case

of Pennsylvania, regulated by the rules of the Supreme Court, and the solution that is being proposed here flies in the face of that. And quite frankly, I believe the reason that the opponents of this bill did not like my amendment just as much as the proponents did is because they believe that they will have the ability to successfully challenge in court the solution that is proposed in this bill.

So when it comes back to us, I would just ask, Mr. Speaker, to look at the commonsense solution that I was proposing, which was to say at that unemployment compensation level, if you are the officer of the corporation, any of the officers of the corporation, or an internal employee of the corporation such as the human resources director or the personnel manager, that you could go in at the informal hearing level and represent your company, but that I was excluding the outside paid consultants who did not have a legal license and who are now marketing their wares for hire in a legal capacity. And so for that reason, I think that the solution in this bill is fatally flawed, and that is the reason I will vote “no” today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of SB 464.

The Senate bill simply does three things. First, it amends the Pennsylvania Unemployment Compensation Law to allow an employer to be represented at unemployment proceedings by someone other than a corporate attorney. As the gentlelady from Philadelphia was speaking concerning the Harkness decision, a number of things need to be pointed out. First of all, Harkness still allows for claimants to be represented on a limited basis and only at unemployment compensation hearings by nonattorneys. What the Harkness decision did was only affect the corporation side of the equation, and if one party should be allowed to be represented by experts other than attorneys, why not both sides? And that is what this legislation would correct.

The second thing this legislation does, Mr. Speaker, is it makes changes to the Unemployment Compensation Law to prohibit employers from dumping or transferring employees to newer, different entities in order to evade payment of higher tax compensation taxes. Now, we, as a Pennsylvania General Assembly, must adopt this provision prior to January 1 of 2006 or we can lose up to, this year alone, \$155 million in Federal funding because this pseudodumping language is being mandated by the United States Congress and was signed into law by President Bush in 2004. So we need to make this correction as well.

Thirdly, Mr. Speaker, this legislation creates a new job training fund to provide resources for training and equipment in more of the rural counties of Pennsylvania.

All three of these pieces of this Scarnati bill, SB 464, have been agreed to by the major stakeholders, being the chamber of commerce, the Manufacturers’ Association, other business entities, as well as organized labor, and it has been signed off by the staffs of four caucuses, including my chairman, Representative Allen, and the administration.

A lot of hard work has been put into this legislation. I appreciate the fact that Representative Manderino and Representative George have withdrawn amendments. If the bill comes back to us because of a future court ruling, we will deal with that one issue at that time. But in the meantime,

Mr. Speaker, this legislation is very important to all the parties concerned, and I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I also rise in support of this bill. I am not sure when that court case came out. I think it was in February or so. It was in the wintertime. And as soon as it came out, I was contacted by many of the business people in my district that were simply outraged over the decision, and I had a meeting at my local chamber of commerce to discuss the impact of it.

And I think that the decision was one of the examples of legislating from the bench that we see all too often in today's society. If we needed to make this change that I heard the Representative from Philadelphia talk about, it should have been done here. And so the situation that you currently have and we have had for many, many months now is that someone can go to one of these informal hearings – it is not a court of law; it is an informal administrative, bureaucratic hearing, routine – and they have to bring a big, high-priced lawyer when before they were just bringing someone from their human resources department or personnel department that understood the hearings and were going forward with them. They were being required now to bring attorneys. The other side, they could have their girlfriend representing them as their representatives – and I guess that was not the unauthorized practice – and they are cross-examining their human resource person on different issues. It is just simply not fair. It is not right. It is an overly burdensome, cost-filled way to have to do business. You are not talking about rules of evidence and procedures and all the things that you have in a court of law. It is a very informal administrative proceeding.

When I met with these business leaders in my community – the Carlisle area, we have a lot of major employers and midsize and small employers – I told them in the wintertime that it would probably be June by the time we got to this. They were shocked at how long it would take to overcome this, but I have been up here enough years to know that it just takes a while to get these things through the committee, both sides to agree.

But I really want to thank the chairman of our committee, and I heard Mr. Belfanti speak very eloquently on it. I want to thank him for his hard work on this, and hopefully we can get this to the Governor's desk and correct this wrong that was made by an overactive court.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

I am not going to be redundant. Representative Belfanti has expressed what is in the bill. There are two things that I would like to point out, though.

First of all, under unemployment compensation, it is not required that the judge or the referee be an attorney, and most of them are not. And the second thing that I would like to point out is that the Department of Labor and Industry's attorneys actually drafted this language that was inserted into the bill, and I think they are qualified to do that, and I ask for an affirmative vote.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

## HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. Does the gentleman, Mr. Smith, wish to say a few words at this point in time?

Mr. S. SMITH. Under leaves of absence, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. S. SMITH. I need to put the Representative from Lancaster, Katie TRUE, on Capitol leave until further notice.

The SPEAKER. Without objection, that leave will be granted.

## CONSIDERATION OF SB 464 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—195

Adolph	Fichter	Maher	Sainato
Allen	Fleagle	Maitland	Samuelson
Argall	Flick	Major	Santoni
Armstrong	Forcier	Mann	Sather
Baker	Frankel	Markosek	Saylor
Baldwin	Freeman	Marsico	Scavello
Barrar	Gabig	McCall	Schroder
Bastian	Gannon	McGeehan	Semmel
Bebko-Jones	Geist	McGill	Shaner
Belardi	George	McIlhatten	Shapiro
Belfanti	Gerber	McIlhinney	Siptroth
Benninghoff	Gergely	McNaughton	Smith, B.
Biancucci	Gillespie	Melio	Smith, S. H.
Birmelin	Gingrich	Metcalfe	Solobay
Bishop	Good	Micozzie	Sonney
Blackwell	Goodman	Millard	Staback
Blaum	Grell	Miller, R.	Stairs
Boyd	Grucela	Miller, S.	Steil
Bunt	Gruitza	Mundy	Stern
Butkovitz	Habay	Mustio	Stetler
Buxton	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Sturla
Cappelli	Harhai	Nickol	Surra
Casorio	Harhart	O'Brien	Tangretti
Causar	Harper	Oliver	Taylor, E. Z.
Cawley	Harris	O'Neill	Taylor, J.
Civera	Hasay	Pallone	Thomas
Clymer	Hennessey	Payne	Tigue
Cornell	Herman	Petrarca	True
Corrigan	Hershey	Petri	Turzai
Costa	Hess	Petrone	Veon
Crahalla	Hickernell	Phillips	Vitali
Creighton	Hutchinson	Pickett	Walko
Cruz	James	Pistella	Wansacz
Curry	Josephs	Preston	Washington
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Readshaw	Wilt
DiGirolamo	Kirkland	Reed	Wojnaroski
Diven	Kotik	Reichley	Wright
Donatucci	LaGrotta	Rieger	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	

Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker
Feese			

## NAYS—2

Cohen	Manderino
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## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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 218, PN 244**, entitled:

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions.

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

Mr. **GEORGE** offered the following amendment No. **A01377**:

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

and for powers and duties of Department of  
General Services.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Sections 3 and 4(c) of the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, are amended to read:

Amend Sec. 1, page 3, by inserting between lines 15 and 16  
Section 4. Powers and duties.

\* \* \*

(c) Construction.—Whenever a State agency is planning to construct a building to be used for office purposes, the State agency shall, in accordance with the department’s guidelines:

\* \* \*

(3) Give priority of consideration to downtown areas located in economically depressed municipalities.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply helps, as I believe the sponsor of the bill wants to do, it says that it would basically give priority of consideration to downtown areas that are

located in economically depressed municipalities. By locating State office workers in economically depressed areas, Mr. Speaker, the offices would experience a rejuvenation and so would the community because of the local economy. Local parking lots, restaurants, retails, and housing could benefit from the influx of new dollars.

We are not asking that anything happen to the bill. We are just simply saying, give it some consideration. It is not mandating. It is simply asking that we give these communities that have been devastated and economically depressed a little consideration if we are going to do things with State dollars and put facilities in there that are owned by the State. After all, it does not matter where we are or who we are, we owe all of these people in our Commonwealth and in our districts the opportunity for the enhancement of their economy.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

## YEAS—194

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhattan	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grucela	Miller, R.	Steil
Bunt	Gruitza	Miller, S.	Stern
Butkovitz	Habay	Mundy	Stetler
Buxton	Haluska	Mustio	Stevenson, R.
Caltagirone	Hanna	Myers	Sturla
Cappelli	Harhai	Nailor	Surra
Casorio	Harhart	Nickol	Tangretti
Causar	Harper	O’Brien	Taylor, E. Z.
Cawley	Harris	Oliver	Taylor, J.
Civera	Hasay	O’Neill	Thomas
Clymer	Hennessey	Pallone	Tigue
Cohen	Herman	Payne	True
Cornell	Hershey	Petrarca	Turzai
Corrigan	Hess	Petrone	Veon
Costa	Hickernell	Phillips	Vitali
Crahalla	Hutchinson	Pickett	Walko
Cruz	James	Pistella	Wansacz
Curry	Josephs	Preston	Washington
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Readshaw	Wilt
DiGirolamo	Kirkland	Reed	Wojnaroski
Diven	Kotik	Reichley	Wright
Donatucci	LaGrotta	Rieger	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug

Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—3

Creighton	Grell	Petri
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## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Bianucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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.

## VOTE CORRECTION

The SPEAKER. At this time the Chair recognizes the gentleman from Montgomery, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

I just wanted to have my vote on SB 464 recorded in the negative. I had a malfunction with my button.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

Mr. GERBER. Thank you.

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 176, PN 1586**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in realty transfer tax, for determination and notice of tax and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. YUDICHAK offered the following amendment No. **A01244**:

Amend Title, page 1, line 10, by inserting after "penalties," "further providing for the definition of "manufacture";

Amend Bill, page 1, lines 22 through 24, by striking out all of said lines and inserting

Section 1. Section 201(c) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended May 7, 1997 (P.L.85, No.7), is amended to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

\*\*\*

(c) “Manufacture.” The performance of manufacturing, fabricating, compounding, processing or other operations, engaged in as a business, which place any tangible personal property in a form, composition or character different from that in which it is acquired whether for sale or use by the manufacturer, and shall include, but not be limited to—

(1) Every operation commencing with the first production stage and ending with the completion of tangible personal property having the physical qualities (including packaging, if any, passing to the ultimate consumer) which it has when transferred by the manufacturer to another[;]. For purposes of this clause “operation” shall include clean rooms and their component systems, including; environmental control systems, antistatic vertical walls and manufacturing platforms, and floors, which are independent of the real estate; process piping systems; specialized lighting systems; deionized water systems; process vacuum and compressed air systems; process and specialty gases; and alarm or warning devices specifically designed to warn of threats to the integrity of the product and/or people. For purposes of this clause a “clean room” is a location with a self-contained, sealed environment with a controlled closed air system independent from the facility’s general environmental control system.

(2) The publishing of books, newspapers, magazines and other periodicals and printing[;].

(3) Refining, blasting, exploring, mining and quarrying for, or otherwise extracting from the earth or from waste or stock piles or from pits or banks any natural resources, minerals and mineral aggregates including blast furnace slag[;].

(4) Building, rebuilding, repairing and making additions to, or replacements in or upon vessels designed for commercial use of registered tonnage of fifty tons or more when produced upon special order of the purchaser, or when rebuilt, repaired or enlarged, or when replacements are made upon order of, or for the account of the owner[;].

(5) Research having as its objective the production of a new or an improved (i) product or utility service, or (ii) method of producing a product or utility service, but in either case not including market research or research having as its objective the improvement of administrative efficiency.

(6) Remanufacture for wholesale distribution by a remanufacturer of motor vehicle parts from used parts acquired in bulk by the remanufacturer using an assembly line process which involves the complete disassembly of such parts and integration of the components of such parts with other used or new components of parts, including the salvaging, recycling or reclaiming of used parts by the remanufacturer.

(7) Remanufacture or retrofit by a manufacturer or remanufacturer of aircraft, armored vehicles, other defense-related vehicles having a finished value of at least fifty thousand dollars (\$50,000). Remanufacture or retrofit involves the disassembly of such aircraft, vehicles, parts or components, including electric or electronic components, the integration of those parts and components with other used or new parts or components, including the salvaging, recycling or reclaiming of the used parts or components and the assembly of the new or used aircraft, vehicles, parts or components. For purposes of this clause, the following terms or phrases have the following meanings:

(i) “aircraft” means fixed-wing aircraft, helicopters, powered aircraft, tilt-rotor or tilt-wing aircraft, unmanned aircraft and gliders;

(ii) “armored vehicles” means tanks, armed personnel carriers and all other armed track or semitrack vehicles; or

(iii) “other defense-related vehicles” means trucks, truck-tractors, trailers, jeeps and other utility vehicles, including any unmanned vehicles.

The term “manufacture” shall not include constructing, altering, servicing, repairing or improving real estate or repairing, servicing or installing tangible personal property, nor the cooking, freezing or baking of fruits, vegetables, mushrooms, fish, seafood, meats, poultry or bakery products.

\*\*\*

Section 2. Section 1111-C(a) of the act, amended July 2, 1986 (P.L.318, No.77), is amended to read:

Amend Sec. 2, page 2, line 18, by striking out “2” and inserting  
3

Amend Sec. 3, page 2, line 26, by striking out “3” and inserting  
4

Amend Sec. 4, page 4, line 7, by striking out “4” and inserting  
5

Amend Sec. 5, page 11, line 29, by striking out “5” and inserting  
6

Amend Sec. 6, page 12, line 10, by striking out “6” and inserting  
7

Amend Sec. 7, page 12, line 26, by striking out “7” and inserting  
8

Amend Sec. 8, page 13, line 23, by striking out “8” and inserting  
9

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the amendment give us a brief explanation?

The SPEAKER. The Chair apologizes, Mr. Vitali. I do not see the gentleman.

#### AMENDMENT WITHDRAWN

The SPEAKER. The Chair apologizes, Mr. Vitali. The gentleman, Mr. Yudichak, has indicated he is pulling that amendment. The Chair is sorry. Amendment 1244 has been withdrawn.

It is the understanding of the Chair that the gentleman, Mr. George, has also withdrawn his amendment. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. 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 Monroe, Mr. Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker, and good morning.

Mr. Speaker, I come before you today asking that all members support this bill. This bill was presented to the floor of the Pennsylvania State Association of Township Supervisors by



myself in 1994. I passed it along to Mr. Scavello for his consideration, and I thank Mr. Scavello for introducing this piece of legislation.

Mr. Speaker, it is very important. The department is already doing the work. Why not pass that on to the school districts and municipalities so they can get their fair share?

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

First, I want to thank Representative George and Representative Yudichak for pulling their amendments. The Senate is going to pass this bill pretty quickly. It was on the Governor's desk in the last session, and because of amendments, this bill keeps getting the boot.

But this bill is great for the State, good for the municipalities, the local municipalities, and the school districts. It works together with the county, and what it does is it really much returns the favor of what the county does on the initial end by collecting the tax and remitting it to the State. When the State makes the determination that there is not enough tax paid, they will be able to then collect all of the tax, and instead of sending a notice back to the county, they can remit the other share that the county can then split between the local municipality and the school district.

I urge all the members for a positive vote. Thank you.

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—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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 49, PN 51**, entitled:

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Staff Member Loan Forgiveness Program and an Alcohol and Drug Addiction Counselor Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation staff members in this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. **PETRONE** offered the following amendment No. **A00135**:

Amend Sec. 3, page 3, line 9, by inserting after "diploma"  
or graduate level academic degree or diploma

Amend Sec. 3, page 3, line 29, by inserting after "diploma"  
or graduate level academic degree or diploma

On the question,

Will the House agree to the amendment?

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

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

Mr. Speaker, amendment 00135, this amendment would simply clarify that loans that were obtained in the process of

successfully completing a graduate-level degree would be eligible for forgiveness under the program.

In drafting this legislation, it was always my intention to cover loans for graduate programs. However, after a constituent inquiry, it was brought to my attention that the present wording of the bill only makes reference to loans for 2- and 4-year degrees. It is important to include such loans, as many of the positions in the mental health and mental retardation and the drug and alcohol counseling fields require advanced degrees.

After having consulted with the majority and minority chairmen of the Health and Human Services Committee, I can report that this is an agreed-to amendment, and I respectfully ask for the support of my colleagues in adopting this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	

Evans, J.  
Fabrizio  
Fairchild

Lescovitz  
Levdansky  
Mackereth

Rooney  
Rubley  
Ruffing

Perzel,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley  
Godshall

Raymond

Ross

Stevenson, T.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

As many of you already know, community-based mental health and mental retardation services and drug and alcohol addiction facilities provide those that suffer from mental illness and mental retardation and drug and alcohol abuse with lifelong opportunity for a meaningful life and necessary opportunities for recovery. Also, these types of services help fulfill many Federal and State laws, requiring that such services be provided to individuals with the abovementioned afflictions.

A qualified and stable work force is key to quality community mental health and mental retardation and drug and alcohol abuse services. Unfortunately, the pool of qualified individuals continues to diminish, and the number of college students planning to enter the mental health and mental retardation or drug and alcohol abuse—

The SPEAKER. Just one moment.

Mr. PETRONE. Yes, Mr. Speaker.

#### GUESTS INTRODUCED

The SPEAKER. We have several honored guests in the gallery. They are from the Loomis School in Delaware County, the guests of Representative Vitali. Would those guests please stand and be recognized.

#### CONSIDERATION OF HB 49 CONTINUED

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

Mr. PETRONE. Thank you, Mr. Speaker.

As I was saying, a qualified and stable work force is key to quality community mental health and mental retardation and drug and alcohol abuse services. Unfortunately, the pool of qualified individuals continues to diminish, and the number of college students planning to enter the mental health and

mental retardation or drug and alcohol abuse counseling professions appears to be woefully inadequate to meet the great needs of this Commonwealth.

Therefore, Mr. Speaker, I believe HB 49 would provide a significant incentive to individuals to enter these vital fields by providing for the payment of a portion of the student loans for mental health and mental retardation staff members and for drug and alcohol abuse counselors. The proposed program will also help promote the important public purpose of encouraging staff members and counselors to continue their careers in these fields and remain in Pennsylvania. That is the key, to remain in Pennsylvania.

The legislation would create the Mental Health and Mental Retardation Staff Member and Drug and Alcohol Addiction Counselor Loan Forgiveness Program within the Pennsylvania Higher Education Assistance Agency. Individuals employed full time by a county mental health or mental retardation service agency or contracted private provider or counselor at a licensed alcohol and drug addiction treatment facility would be eligible to have up to \$20,000 of their college student loans forgiven over a 4-year period.

Under the bill, the loan forgiveness awards would be based on appropriations made by the General Assembly. Moreover, in the event that funding is insufficient to fully fund all eligible applicants, the agency would utilize a random lottery system. Random lotteries are currently utilized in determining which applicants receive loan forgiveness awards under several of the State's existing loan forgiveness programs.

In addition to attracting new people to the field, a student loan forgiveness program would encourage current employees to continue this career path. Although the mental health and mental retardation and the drug and alcohol addiction counseling fields are not always easy work, they provide very rewarding work as these professionals help improve the quality of life for others. I believe that the Commonwealth needs to do what it can to ensure that mental health agencies and drug and alcohol addiction facilities have staff levels to meet the great need that exists for such services, and I therefore urge all members to support my bill with an affirmative vote.

Finally, I would like to take this opportunity to thank everyone from the Pennsylvania Association of Resources for People with Mental Retardation and the Pennsylvania Chapter of the National Association of Social Workers, the Pennsylvania Coalition for Autism Services, the Drug and Alcohol Service Providers Organization of Pennsylvania, and the members of the MH/MR (Mental Health/Mental Retardation) Coalition who have supported this legislation since its inception and for all the hard work each organization has contributed to getting this important bill in its present form to the House for this final consideration. I thank you. It has taken 10 years for this day, but I thank you for your help.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair sees no one else.

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—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Gruclera	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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.

**GUEST INTRODUCED**

The SPEAKER. The Chair would like to welcome to the hall of the House Jenna Lubliner of Monroe County, a student at the J. T. Lambert Intermediate School. She is a guest page today of Representative Jerry Birmelin. The guest is in front of the Speaker. Would that guest please rise and be recognized.

**STATEMENT BY MR. TIGUE**

The SPEAKER. At this time the Chair will recognize Representative Tigue for some appropriate remarks about yesterday being the anniversary of D-day. But just for the information of the members, we did have a moment of silence yesterday and our prayer of the day reflected our deep gratitude for the sacrifice and service of our military men and women.

At this time the Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

As the Speaker mentioned, yesterday there was a moment of silence and it was mentioned in the prayer, but I think we were kind of remiss when there were no remarks about June 6, 1944, yesterday being the 61st anniversary of the greatest amphibious operation in the history of the world. On that day, which many of us ironically came to learn more of in watching movies like "Private Ryan" and "The Band of Brothers," we forget that approximately 154,000 American, Canadian, and British, along with other Allied troops invaded Normandy. What happened on that day changed forever, or at least during our lifetime, the world as we knew it. That was probably the most important event in World War II. And within a number of hours, there were about 10,000 casualties on D-day. As a result of the heroic deeds of the men who landed and stormed the beaches in Normandy as well as those who early in the dawn, early in the morning, had parachuted behind the enemy lines – and there were approximately 23,000 who did that either by parachute or by gliders – we were able to end the Nazi domination of Europe and of course bring a much faster ending to the war.

Operation Overlord, as it was known, was a secret that was held for years, and finally it came to fruition. The original schedule was to be June 5, and it was put off by weather.

But I think we all understand the importance of that day when we see pictures, and this past Memorial Day I mentioned, some of the images that come to mind are those rows and rows of white crosses and stars that are on foreign soil throughout the world.

So I appreciate the opportunity, Mr. Speaker, and I would ask all of us to remember those great men; those soldiers, sailors, and airmen who participated in that event, that – I do not know what word would actually describe it – but that great event that occurred on June 6 of 1944.

Thank you, Mr. Speaker.

**STATEMENT BY MR. PETRONE**

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, perhaps the truest words that I ever heard in my life about D-day were, they gave away all their tomorrows for our today. That is true of so many of the men that landed on that day, and I know you all have family members, relatives, you all,

everyone in this room, every member, has somebody that was involved probably in that operation, the greatest armada in the history of the world and began the change of the world.

I had the great pleasure of meeting some of the members of the 101st, 506th Regiment that liberated a big part of Europe and were there on that day. They were here with us for lunch just a couple of years ago. They were the Band of Brothers, and it was a thrill to sit in their presence and honor them.

Also, not too long ago we had a Medal of Honor winner, Gino Merli, from the Battle of the Bulge, who was only 18 years old when he took part in one of the biggest battles of that war.

So it is fitting that we should remember yesterday for all of these young men who gave away all of their tomorrows for our today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**CHILDREN AND YOUTH  
COMMITTEE MEETING**

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Birmelin, for the purpose of an announcement.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The House Children and Youth Committee will meet immediately on the call of the recess in the Ryan Office Building, room 205. The House Children and Youth Committee meeting immediately, Ryan Building, room 205.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a Children and Youth Committee meeting immediately at the call of the recess in room 205 of the Ryan Office Building.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien, for the purpose of calling a meeting.

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

The House Judiciary Committee will reconvene immediately at the call of the recess in the rear of the House.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet immediately at the recess in the rear of the House.

**HEALTH AND HUMAN SERVICES  
COMMITTEE MEETING**

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

Mr. KENNEY. Thank you, Mr. Speaker.

The Health and Human Services Committee will meet immediately at the call of the recess in the rear of the House.

Thank you.

The SPEAKER. The Health and Human Services Committee will meet immediately at the recess in the rear of the House.

**TRANSPORTATION COMMITTEE MEETING**

The SPEAKER. Just for the information of the members of the Transportation Committee, the committee tomorrow morning will meet at 9:30 instead of 10 o'clock; 9:30 tomorrow for the members of the Transportation Committee.

Are there any further announcements?

**ANNOUNCEMENT BY MRS. TAYLOR**

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

Mrs. TAYLOR. Mr. Speaker, there will be no Republican caucus, but could you tell us when we will be coming back to the floor so we can make some other arrangements?

The SPEAKER. It is the information of the Chair 2 p.m.

Mrs. TAYLOR. 2 p.m.?

The SPEAKER. Yes, ma'am.

Mrs. TAYLOR. Thank you very much.

**DEMOCRATIC CAUCUS**

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we will have both formal and informal discussions in the House Democratic caucus.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

**RECESS**

The SPEAKER. The Chair is in recess until 2 p.m.

**AFTER RECESS**

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

**ACTUARIAL NOTE**

The SPEAKER. The Speaker acknowledges receipt of an actuarial note for amendment No. 1278 to HB 740, PN 831.

(Copy of actuarial note is 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 from the table:

HB 1304;  
HB 137; and  
HB 1049.

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

**BILLS ON SECOND CONSIDERATION**

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

**HB 1304, PN 1548; HB 137, PN 138; and HB 1049, PN 1959.**

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 137 and HB 1049 be recommitted to the Committee on Appropriations.

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

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 259, PN 2105 (Amended)**

By Rep. HESS

An Act providing for the licensure and regulation of adult living residences; conferring powers and duties on the Department of Public Welfare; adding members to the Intra-Governmental Council on Long-Term Care; providing for an increase to State supplemental assistance for persons in personal care homes; and providing for penalties.

AGING AND OLDER ADULT SERVICES.

**HB 548, PN 596**

By Rep. FLICK

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; imposing penalties; and making a repeal.

CONSUMER AFFAIRS.

**HB 564, PN 637**

By Rep. O'BRIEN

An Act providing for college and university faculty and staff criminal history background investigations and self-disclosure requirements.

JUDICIARY.

**HB 893, PN 1016**

By Rep. FLICK

An Act amending the act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility

companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," further providing for shutting off water if sewer charge not paid, for notice and for statement of defense; and requiring certain procedures to be followed in residential buildings.

#### CONSUMER AFFAIRS.

**HB 1346, PN 1604**

By Rep. O'BRIEN

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

#### JUDICIARY.

**HB 1370, PN 2106 (Amended)**

By Rep. HESS

An Act providing for a certification program in certain facilities which offer cognitive support services to persons with cognitive impairments and for report to General Assembly.

#### AGING AND OLDER ADULT SERVICES.

**HB 1435, PN 2109 (Amended)**

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of computer-assisted remote harvesting of animals.

#### JUDICIARY.

**HB 1446, PN 2107 (Amended)**

By Rep. HESS

An Act providing for the powers and duties of the Department of Aging and area agencies on aging and for annual review of care plans; requiring criminal background checks and communicable disease screenings of certain providers; prohibiting certain provider financial interests; providing for consumer telephone access; and providing for procedures for noncompliance.

#### AGING AND OLDER ADULT SERVICES.

**HB 1559, PN 2110 (Amended)**

By Rep. BIRMELIN

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

#### CHILDREN AND YOUTH.

**HB 1579, PN 1980**

By Rep. BIRMELIN

An Act providing for certain responsibilities of county and private agencies regarding resource parents.

#### CHILDREN AND YOUTH.

### BILL REPORTED AND REREFERRED TO COMMITTEE ON STATE GOVERNMENT

**HB 577, PN 650**

By Rep. FLICK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for notice for purchase of real property.

#### CONSUMER AFFAIRS.

### BILL REPORTED AND REREFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY

**HB 1461, PN 1779**

By Rep. FLICK

An Act providing for minimum energy efficiency standards for certain appliances and equipment and for the powers and duties of the Pennsylvania Public Utility Commission and of the Attorney General.

#### CONSUMER AFFAIRS.

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

**SB 86, PN 665**

By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for disposition of complaints received.

#### JUDICIARY.

### GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Chris Thompson, who is serving as a guest page. He will be attending Bishop McDevitt High School in the fall. He is the guest today of Representative Ron Marsico of Dauphin County. Would that guest please stand and be recognized.

### STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. There was a momentous occasion quite recently that the minority leader would like to elaborate upon. So I would like to ask the indulgence of the membership. Please try to keep the noise level down while we hear these important revelations from Mr. DeWeese, the gentleman from Greene.

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

I will be brief.

As Senator Joe Conti used to refer to the connubial couch, he referred to those moments of bliss as the ineffable blandishments of conjugal extravaganzas. Just within the last few days, my chief of staff, Mike Manzo, got married, and on behalf of the Speaker, who has generously allowed me to take the microphone, and our colleagues, unlike many of us who are elected, Mike and Brian Preski and other senior staff people seem to have very few enemies. I could be misreading that, but nevertheless, Mike Manzo has succumbed to those wonderful blandishments, and although I am certainly no expert on the

quotidian travails of matrimony, I still wanted to doff my hat and say congratulations to my young chief of staff on his marriage.

The SPEAKER. The Chair would like to add its congratulatory notes to the gentleman and also remind the gentleman, Mr. DeWeese, that you and I do have the enemies; the staff people do not.

### STATEMENT BY MR. LaGROTTA

The SPEAKER. For what purpose does the gentleman, Mr. LaGrotta, rise?

Mr. LaGROTTA. Mr. Speaker, point of personal privilege.

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

Mr. LaGROTTA. The gentleman, the Democratic leader's chief of staff, got married to the executive director of the House Tourism and Recreational Development Committee, of which I am the chairman. They were gone, Mr. Speaker, on their wedding/honeymoon for almost 2 weeks. During that time I was very, very, very bereft – I hope that is a word; I will have to ask the minority leader that – without the assistance of Rachel Manzo, but I kept thinking about how much worse off the gentleman, Mr. DeWeese, was without his chief of staff, and that is what got me through the 2 weeks.

Congratulations to both of them again, and no more vacation this year.

### CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1025, PN 1612**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining, in theft and related offenses, "firearm" and "organized theft"; and further providing for grading of theft offenses, for the offenses of theft of services, for retail theft, for library theft and for the offense of bad checks.

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

The SPEAKER. The gentleman, Mr. Haluska, offers the following amendment, which the clerk will read. The gentleman indicates that the amendment is withdrawn. The Chair thanks the gentleman.

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

Mr. **FRANKEL** offered the following amendment No. **A01375**:

Amend Sec. 2 (Sec. 3903), page 3, line 19, by inserting a period after "firearm"

Amend Sec. 2 (Sec. 3903), page 3, lines 20 and 21, by striking out all of said lines

Amend Sec. 2 (Sec. 3903), page 4, line 8, by inserting a period after "property" where it appears the first time

Amend Sec. 2 (Sec. 3903), page 4, lines 8 and 9, by striking out "or the property received, retained or" in line 8 and all of line 9

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

This amendment is the result of one of the recommendations of the Governor's task force on the prevention of gun violence, and very simply, it is intended to address the issue of illegal firearm/gun trafficking, and it does only one very simple thing that I do not believe should be particularly controversial, because under the current law, if a person is charged with receiving stolen property including a weapon and the stolen property is a gun, the crime is a felony 3, unless the receiver is in the business of receiving stolen property. In that case it is a felony 2. In the deliberations of the commission to address gun violence, it was agreed that all firearm thefts be graded as a felony 2. This amendment goes to the heart of that recommendation. If a person receives a stolen firearm, he or she should be subject to serious punishment, and we should not give a break to someone just because he or she is not deemed to be in the business of receiving stolen property.

Illegal gun trafficking is serious and harmful, and putting away those people who buy and sell stolen guns regardless of whether they are in the business of doing so can only make our streets safer.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Adams, Mr. Maitland.

Mr. MAITLAND. Mr. Speaker, I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—56

Bebko-Jones	Hanna	Mundy	Shapiro
Bishop	Harhai	Myers	Stairs
Blackwell	Hennessey	Petrone	Stetler
Butkovitz	James	Pistella	Sturla
Buxton	Josephs	Preston	Taylor, E. Z.
Cohen	Kirkland	Rieger	Thomas
Corrigan	Leach	Roberts	Wansacz
Cruz	Lederer	Roebuck	Washington
Curry	Levdansky	Rooney	Waters
Dermody	Maitland	Rubley	Wheatley
Donatucci	Manderino	Ruffing	Williams
Evans, D.	Mann	Samuelson	
Frankel	Markosek	Santoni	
Freeman	McGeehan	Schroder	Perzel,
Gerber	Melio		Speaker

#### NAYS—141

Adolph	Fabrizio	Kotik	Reed
Allen	Fairchild	LaGrotta	Reichley
Argall	Feese	Leh	Rohrer
Armstrong	Fichter	Lescovitz	Sainato
Baker	Fleagle	Mackereth	Sather
Baldwin	Flick	Maher	Saylor
Barrar	Forcier	Major	Scavello
Bastian	Gabig	Marsico	Semmel
Belardi	Gannon	McCall	Shaner

Belfanti	Geist	McGill	Siptroth
Benninghoff	George	McIlhatten	Smith, B.
Biancucci	Gergely	McIlhinney	Smith, S. H.
Birmelin	Gillespie	McNaughton	Solobay
Blaum	Gingrich	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Steil
Caltagirone	Grell	Miller, R.	Stern
Cappelli	Grucela	Miller, S.	Stevenson, R.
Casorio	Gruitza	Mustio	Surra
Causer	Habay	Nailor	Tangretti
Cawley	Haluska	Nickol	Taylor, J.
Civera	Harhart	O'Brien	Tigue
Clymer	Harper	Oliver	True
Cornell	Harris	O'Neill	Turzai
Costa	Hasay	Pallone	Veon
Crahalta	Herman	Payne	Vitali
Creighton	Hershey	Petrarca	Walko
Dally	Hess	Petri	Watson
DeLuca	Hickernell	Phillips	Wilt
Denlinger	Hutchinson	Pickett	Wojnaroski
DeWeese	Kauffman	Pyle	Wright
DiGirolamo	Keller, M.	Quigley	Yewcic
Diven	Keller, W.	Ramaley	Youngblood
Eachus	Kenney	Rapp	Yudichak
Ellis	Killion	Readshaw	Zug
Evans, J.			

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

Boyd	Grell	Miller, R.	Stairs
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Steller
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Sturla
Casorio	Harhai	Nickol	Surra
Causer	Harhart	O'Brien	Tangretti
Cawley	Harper	Oliver	Taylor, E. Z.
Civera	Harris	O'Neill	Taylor, J.
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalta	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rublely	Perzel,
Fairchild	Mackereth		Speaker

NAYS—1

Thomas

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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.

## RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentlelady from Lancaster, Mrs. True.

Mrs. TRUE. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 1113, PN 2065.

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni



Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalf	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1113, PN 2065**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of child abuse resulting in death; and further providing for sentences for offenses against infant persons.

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	Feese	Maher	Ruffing
Allen	Fichter	Maitland	Sainato
Argall	Fleagle	Major	Samuelson
Armstrong	Flick	Manderino	Santoni
Baker	Forcier	Mann	Sather
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Schroder
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhatten	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Biancucci	Gergely	McNaughton	Smith, B.
Birmelin	Gillespie	Melio	Smith, S. H.
Bishop	Gingrich	Metcalf	Solobay
Blackwell	Good	Micozzie	Sonney
Blaum	Goodman	Millard	Staback
Boyd	Grell	Miller, R.	Stairs
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Sturla
Casorio	Harhai	Nickol	Surra
Causar	Harhart	O'Brien	Tangretti
Cawley	Harper	Oliver	Taylor, E. Z.
Civera	Harris	O'Neill	Taylor, J.
Clymer	Hasay	Pallone	Thomas
Cohen	Hennessey	Payne	Tigue
Cornell	Herman	Petrarca	True
Corrigan	Hershey	Petri	Turzai
Costa	Hess	Petrone	Veon
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth		Speaker

NAYS—1

Vitali

NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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 249, PN 275**, entitled:

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

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—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington

Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rublely	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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.

## RULES SUSPENDED

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

Mr. HICKERNELL. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 965, PN 2064.

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

The following roll call was recorded:

## YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 965, PN 2064**, entitled:

An Act amending the act of April 23, 2002 (P.L.298, No.39), entitled "An act providing for a commercial downtown enhancement program to be administered by the Department of Community and Economic Development," further providing for the Main Street Program.

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

Mr. **GEORGE** offered the following amendment No. **A01396**:

Amend Title, page 1, line 5, by removing the period after "Program" and inserting

; and providing for grant of easement and right-of-way by the Rails to Trails Program.

Amend Bill, page 2, by inserting between lines 27 and 28

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

Section 3.1. Rails to trails.

Pursuant to the authority granted in section 4(d) of the act of December 18, 1990 (P.L.748, No.188), known as the Rails to Trails Act, the Rails to Trails Program shall grant any easement and

right-of-way within the established commercial downtown area as will foster the vitality of the Main Street area. At no time shall the Rails to Trails Program require payment of more than \$1 for the granting of such easement or right-of-way.

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting  
3

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

AMENDMENT WITHDRAWN

The SPEAKER. It is the information of the Chair that the gentleman, Mr. George, withdraws his amendment.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Sipthoth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz

Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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.

## RULES SUSPENDED

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

Mr. R. STEVENSON. Mr. Speaker, I move that the rules of the House be immediately suspended for consideration of HB 489, PN 2063.

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

The following roll call was recorded:

## YEAS—197

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 489, PN 2063**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for certain veterans plates; and further providing for permit for movement of containerized cargo.

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

Mr. **GEIST** offered the following amendment No. **A01403**:

Amend Sec. 2 (Sec. 4974), page 2, lines 22 through 30; page 3, lines 1 through 12, by striking out all of said lines on said pages and inserting  
§ 4974. Permit for movement of containerized cargo.

(a) General rule.—An annual permit may be issued authorizing the movement on highways of containerized cargo which exceeds the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles). [The] Except as set forth in subsection (b), the weight of any combination permitted under this section shall not exceed 90,000 pounds overall gross weight and 21,000 pounds on any axle. A brake retarder is not required on a combination permitted under this section while the combination is

operated within the counties [which comprise the district of a port of a city of the first class.] of Bucks, Chester, Delaware, Montgomery and Philadelphia. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, except on holidays and in inclement weather.

(b) Refrigerated meat products.—An annual permit may be issued authorizing the movement on specified highways of containerized cargo consisting of refrigerated meat products which exceeds the maximum vehicle gross weight or maximum axle weights specified in Subchapter C, subject to the following conditions:

(1) The vehicle must be a six-axle combination - three-axle truck tractor.

(2) Gross vehicular weight must not exceed 107,500 pounds.

(3) Maximum weight on any axle must not exceed 21,000 pounds.

(4) Specified highways and routes may only be permitted in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

(5) Travel is authorized 24 hours a day, seven days a week, except on holidays and in inclement weather.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Geist. Just a brief explanation, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This is an agreed-to amendment with the Department of Transportation. It solves a problem for the Port of Philadelphia and the distribution of meat from New Zealand to a series of warehouses near the docks.

It is a very, very good amendment, and I would urge a “yes” vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Bianucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Raymond	Ross	Stevenson, T.
Godshall			

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. **CASORIO** offered the following amendment No. **A01391**:

Amend Title, page 1, line 2, by inserting after “plates;” imposing a moratorium on the implementation or continued use of a vehicle emission inspection program until certain standards and studies of on-board vehicle emission diagnostic testing systems are completed;

Amend Sec. 1, page 2, by inserting between lines 20 and 21

§ 4706.2. Moratorium on emission inspection program.

(a) General rule.—Notwithstanding any of the provisions of this chapter or any law to the contrary, all vehicle emission inspection programs shall cease immediately until the following occurs:

(1) The Environmental Protection Agency approves and issues rules and regulations for the use and implementation of on-board vehicle emission diagnostic testing systems that can provide less expensive and more convenient exhaust checks.

(2) A joint department and Department of Environmental Protection emission inspection policy review panel issues findings and recommendations for the use and implementation in this Commonwealth of on-board vehicle emission diagnostic testing systems to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

(3) Such findings and recommendations are enacted into law.

(b) Notice.—When the conditions required under subsection (a) are satisfied, the department shall publish a notice thereof in the Pennsylvania Bulletin.

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

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, my amendment, once again, would impose a moratorium on the implementation or continued use of the vehicle emission inspection program, and we would do that until the Environmental Protection Agency of the Federal government approves the use of onboard emission diagnostic testing systems and studies of the onboard vehicle emission diagnostic testing systems are completed.

Mr. Speaker, those of us from Westmoreland County have been particularly interested in this issue and fighting this issue for quite some time. As a point of course, you may remember that those of us in the west have been subject to this test much longer than many folks throughout the State. We have always tried to have this test scrapped. If not scrapped, the constituents that I represent in Westmoreland have always said, let us at least have the rest of the Commonwealth, individuals, participate in this program and make it fair.

We know, Mr. Speaker, before my arrival in '96 that the Commonwealth paid some \$150 million of taxpayer money, 10 years ago, money to Envirotest in Arizona for eight concrete block buildings without testing one car.

Mr. Speaker, we know today's vehicles are in much better shape, much more environmentally friendly, and pollute less, and again, to subject individuals for older cars, work cars, senior citizens that may be driving a 1995 or older vehicle is patently unfair. And again, we are just asking for a moratorium on the auto emissions inspection program until the Environmental Protection Agency comes up with an onboard diagnostic testing system.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PALLONE. Thank you, Mr. Speaker.

I rise to support my colleague's amendment on the emission device testing for cars in Pennsylvania.

Again, being from Westmoreland County, it is a catch-as-catch-can kind of system. It is based on a ZIP Code (Zoning Improvement Plan Code) basis, and, for example, in my own legislative district, half of the vehicles are required to have emissions testing, half of the vehicles are not required to have emissions testing. It should be an all-or-nothing kind of a proposal. We should either test all of the cars and vehicles in Pennsylvania or none of the cars and vehicles in Pennsylvania.

We have tried a number of times to try and prevent this from happening in our area and other areas of the State, and we certainly would appreciate the support of the members in passing the amendment that is being offered by Representative Casorio.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I guess during this period of budget debate, the last person that should be standing up defending the administration should be me, but this is the deal that was made with the courts and the administration. This is the exact same amendment that we ran last term. This amendment was defeated.

This is not good legislation in the fact that it could cost us highway dollars; EPA could have sanctions against Pennsylvania.

I would strongly urge that we once again defeat this amendment and put this thing to rest. The program now is working. Let us keep it working. If it is going to be changed, let us change it at the Federal level and get about the business of getting our beef into Philadelphia.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the previous speaker and would ask the members to certainly vote against the Casorio amendment and for a number of reasons, and the first reason I think that we have to talk about is, this is not a matter of State law; this is a matter of Federal law. The Congress of the United States enacted the Federal Clean Air Act amendments in 1980 and 1981 and required the States to comply with that act. The act was then updated in 1991, further requiring the States to reduce both mobile source and stationary source emissions, mobile source being automobiles.

The Commonwealth of Pennsylvania did in fact comply with that act, the Federal act, but today before us is not just the requirements of the Federal act but a consent decree that was placed upon this Commonwealth by the district court, the Eastern District Court in Philadelphia, and that consent decree was entered into with PennFuture because they sued the Commonwealth, PennFuture, and were joined by the Delaware Valley Clean Air Council. They filed suit against the Commonwealth of Pennsylvania because we were not meeting our SIP, the State implementation plan that required us to reduce mobile source emissions through the Federal Clean Air Act amendments. We lost that lawsuit. The courts entered into a consent decree with those two parties, joined with the Department of Environmental Protection and the Department of Transportation, and told us what we had to do to comply with the Federal Clean Air Act amendments with that consent decree.

And if you look at the amendment that the Representative has before us, there are a couple things that we need to talk about. The two sections or the two primary points of his amendment, section (1) and section (2), have already been addressed. The EPA published and finalized rules on onboard diagnostic testing May 2001, addressing section (1) of his amendment. And on section (2), there was in fact a joint committee established by then Secretary Seif, who established a joint policy committee to review onboard diagnostics and new technologies that this Commonwealth can bring to the forefront on emissions testing. And in fact, that commission was formed in 2001, led by Secretary Seif, the Department of Environmental Protection, PENNDOT, environmental and business groups, motorists, EPA, and gas station owners.

So we have already done everything that he has asked for in his amendment. And furthermore, we cannot override or put a

moratorium on this because we are under a consent decree and a court order to in fact charge this law.

So, Mr. Speaker, I would ask that we vote “no” on the Casorio amendment because it would put us out of compliance with the Federal Clean Air Act.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Casorio amendment.

This emissions inspecting is nothing but a joke, and our constituents have to pay anywhere from \$30 to \$40 for that sticker. And I will tell you what the testing is about. They take the gas cap off the car and they put it on a computer, \$30 to \$40 for that, and that makes the air cleaner? Tell me; tell me. This is a real joke.

Support the Casorio amendment, support our constituents paying this ridiculous fee for nothing. I have Luzerne County. They have to pay it. Wyoming County does not. Columbia County does not. It is not fair.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Huntingdon, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I was not intending to get up, but I have got to give a response.

I served on the LEV (low-emission vehicle) Commission here in about 1994, I guess it was, and all I can say is, be certain of what you ask for; you may just get it. If you do not ratchet down the mobile source, you are going to have ratcheting down on the stationary source.

I think this is a real, real touchy issue. I know of the frustration of many of you, many of you who are dealing with it, because I have got one county that has it and two that do not. But I think this is not the way to go, and I would vote “no” on this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McCall, for the second time.

Mr. MCCALL. Mr. Speaker, not to belabor this point.

Now, the fact of the matter is that, sure, certainly all of us are very concerned about any fees that any of our constituents pay. The reality is that we are under a court order, and if we repeal or somehow try to put a moratorium on emissions inspections, we will lose a considerable amount of Federal money.

I would urge the gentlemen, the previous speakers that are opposed to this, to pick up a pen and write to their Federal Congressmen and tell them to repeal the Clean Air Act if they feel so strongly about this, because the States do not have the ability to do that. We are under a Federal order and Federal law – a Federal order by a Federal court and Federal law by the Congress of the United States – and if you do not like it, write to your Federal Congressmen and ask them to repeal the Federal Clean Air Act. Otherwise, we have to comply with the law.

The SPEAKER. The Chair thanks the gentleman.

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

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

Mr. Speaker, I also rise to oppose the amendment.

You know, we get faced with some choices sometimes where neither of the choices are really our preferred course of action. This is one of those situations.

Clearly, the current state of affairs is not the best that it could be, but if the situation arises where this were to become law, there are grave concerns that you are taking the current situation out of our hands, putting it into the hands of the court. We clearly, as I think has been stated, we clearly are in jeopardy of losing Federal highway moneys, coupled with the fact that the courts would then be controlling our emissions testing. They could send us back into the centralized testing, which, you know, started and failed miserably in this Commonwealth, which actually, inarguably, led to this current agreement. They could go back to a 67-countywide, statewide tailpipe-sniffing type of testing. Who knows what we are up against.

I say, Mr. Speaker, these are not two really good choices before us, but the better of these two is to defeat the Casorio amendment and keep our emissions program as it currently exists.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. W. KELLER. Thank you, Mr. Speaker.

Again, this is one of the times where you get up to stand and talk about a fellow member’s amendment.

The amendment that we just passed, the Geist amendment, will protect over 900 jobs in the Port of Philadelphia. It is an amendment that will help the port and the surrounding areas to create and maintain the jobs we have. If the Casorio amendment is in this bill, it will kill that, and we are out of time to correct the weight standard in the Port of Philadelphia.

For that reason I would ask people to vote against the Casorio amendment so that we can maintain and grow jobs in the Port of Philadelphia. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Casorio amendment. I rise to support it because the implementation of the Clean Air Act and the way it was done in Pennsylvania is certainly the most absurd thing that has ever happened to this State.

I stood on top of the Federal Building not too many years ago with a certain Senator from Colorado, and he said, “Look; we can see all the way to Steubenville from Pittsburgh. Isn’t it wonderful?” I said, “Senator, the reason we can do that is, all of the darn steel mills are closed; nobody is working.” He said, “Well, we’re going to have healthy people in this State if we keep that air clean.” I said, “Yes, we’re going to be the healthiest, most unemployed people in America,” and that is what has happened.

But more absurd is the implementation of the auto emissions act by ZIP Codes. If you can prove to me that air stays in ZIP Codes, I will buy anything you can sell.

So let us try to make a little difference here and support this while we still have got our good senses.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

## YEAS—69

Bebko-Jones	Gannon	McIlhinney	Rooney
Belardi	Gergely	Melio	Ruffing
Benninghoff	Gruitza	Metcalfe	Sainato
Biancucci	Habay	Mustio	Semmel
Birmelin	Hanna	Nailor	Shaner
Blaum	Harhai	Oliver	Solobay
Casorio	Harhart	Pallone	Stairs
Cohen	Hasay	Petrarca	Stevenson, R.
Costa	Herman	Petrone	Surra
Creighton	Kotik	Pistella	Tangretti
DeLuca	LaGrotta	Preston	Turzai
Dermody	Lescovitz	Ramaley	Veon
DeWeese	Levdansky	Readshaw	Wansacz
Donatucci	Maher	Reed	Wheatley
Fabrizio	Markosek	Reichley	Wojnaroski
Forcier	McGeehan	Rieger	Yewcic
Frankel	McGill	Roberts	Yudichak
Gabig			

## NAYS—126

Adolph	Evans, J.	Leach	Santoni
Allen	Fairchild	Lederer	Sather
Argall	Feese	Leh	Saylor
Armstrong	Fichter	Mackereth	Scavello
Baker	Fleagle	Maitland	Schroder
Baldwin	Flick	Major	Shapiro
Barrar	Freeman	Manderino	Smith, B.
Bastian	Geist	Mann	Smith, S. H.
Belfanti	George	Marsico	Sonney
Bishop	Gerber	McCall	Staback
Blackwell	Gillespie	McIlhatten	Steil
Boyd	Gingrich	McNaughton	Stern
Butkovitz	Good	Micozzie	Stetler
Buxton	Goodman	Millard	Sturla
Caltagirone	Grell	Miller, R.	Taylor, E. Z.
Cappelli	Grucela	Miller, S.	Taylor, J.
Causar	Haluska	Mundy	Thomas
Cawley	Harper	Myers	Tigue
Civera	Harris	Nickol	True
Clymer	Hennessey	O'Brien	Vitali
Cornell	Hershey	O'Neill	Walko
Corrigan	Hess	Payne	Washington
Crahalla	Hickernell	Petri	Waters
Cruz	Hutchinson	Phillips	Watson
Curry	James	Pickett	Williams
Dally	Josephs	Pyle	Wilt
Denlinger	Kauffman	Quigley	Wright
DiGirolamo	Keller, M.	Rapp	Youngblood
Diven	Keller, W.	Roebuck	Zug
Eachus	Kenney	Rohrer	
Ellis	Killion	Rubley	Perzel,
Evans, D.	Kirkland	Samuelson	Speaker

## NOT VOTING—2

Bunt Siptroth

## EXCUSED—5

Daley Raymond Ross Stevenson, T.  
Godshall

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—197

Adolph	Feese	Maher	Sainato
Allen	Fichter	Maitland	Samuelson
Argall	Fleagle	Major	Santoni
Armstrong	Flick	Manderino	Sather
Baker	Forcier	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhatten	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Good	Micozzie	Staback
Blaum	Goodman	Millard	Stairs
Boyd	Grell	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkovitz	Gruitza	Mundy	Stetler
Buxton	Habay	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Hanna	Nailor	Surra
Casorio	Harhai	Nickol	Tangretti
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Cruz	James	Pistella	Washington
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Rubley	Perzel,
Fairchild	Mackereth	Ruffing	Speaker

## NAYS—0

## NOT VOTING—0

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



## EXCUSED—5

Daley Raymond Ross Stevenson, T.  
Godshall

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.

**VOTE CORRECTIONS**

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

Mr. MARKOSEK. Thank you, Mr. Speaker.  
To correct the record.

The SPEAKER. The gentleman is in order.

Mr. MARKOSEK. Thank you.

Mr. Speaker, on amendment A1375 to HB 1025, I inadvertently voted in the affirmative and would like to be recorded in the negative.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SIPTROTH. Thank you, Mr. Speaker.

On the Casorio amendment, I would like my vote registered in the negative. The button did malfunction.

Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

We will be in tomorrow at 10 o'clock, just for the information of the members.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 740, PN 2111 (Amended)** By Rep. HERMAN

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for service allowance, change of employment, military service and contract provisions relating to municipal employees, municipal firemen and municipal police.

## LOCAL GOVERNMENT.

**HB 1508, PN 1842** By Rep. HERMAN

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

## LOCAL GOVERNMENT.

**HB 1563, PN 1938**

By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for composition of park or recreation boards.

## LOCAL GOVERNMENT.

**STATE GOVERNMENT  
COMMITTEE MEETING**

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have an announcement to make. Are we finishing our session out?

The SPEAKER. The gentleman is in order.

Mr. CLYMER. Okay. Thank you, Mr. Speaker.

Mr. Speaker, to the members of the State Government Committee, remember, the change in our meeting is at 9 o'clock. We will be meeting in the Irvis Building, room 302, at 9 o'clock.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a State Government Committee meeting in the Irvis Building, room 302, at 9 o'clock.

There will be no further votes on the floor of the House today.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 1589, PN 1990**

By Rep. KENNEY

An Act amending the act of June 30, 2003 (P.L.15, No.7), known as the Medicare Hospital Service Payment Designation Act, further providing for designation of hospitals.

## HEALTH AND HUMAN SERVICES.

**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.

**RECESS**

The SPEAKER. Are there any further announcements?

The Chair recognizes the gentleman from Erie, Mr. Sonney.

Mr. SONNEY. Mr. Speaker, I move that this House do now recess until Wednesday, June 8, 2005, at 10 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 2:55 p.m., e.d.t., the House recessed.