

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 22, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 42

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

#### PRAYER

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

Let us pray:

Powerful and loving God, we humbly bow before You and ask that You hear us when we pray. We are thankful, O God, for the joy of summertime and all that it brings: more time with our children, the smell of the grill, the flashing lights of the fireflies when the day turns into evening, the sip of ice-cold lemonade. For all these pleasures and more, we offer our thanks. We realize that there are so many of Your children who do not have even these simple joys, and we are blessed.

Even in the midst of so much joy, we discover that there are many who walk through dark times, and for them, this is a season of pain. We ask Your compassion on Elinor Taylor as she grieves the loss of her husband; we pray for those who long to be with their loved ones who are far from home at war; we pray for those who celebrate the anniversary of a loved one's passing; we pray for those who suffer from anxiety and depression. We pray for all Your hurting children and ask that You extend Your love to them that they might be strengthened, that in their darkness they may see light, and in their pain they may discover hope.

May each of us here this morning not take for granted the simple joys that surround us. In our moments of self-importance and busyness, may we have sudden clarity that reminds us that time is too precious to be wasted. May we better understand the meaning of our lives and more fully commit them to You. And so this morning we offer our prayers to You without pretension. Do with them and us what you will. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, June 21, 2004, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2740** By Representatives READSHAW, GERGELY, HARHAI, HORSEY, LYNCH and SCRIMENTI

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for passage, approval and veto of ordinances, for salaried mayor not to receive fees and for duties of solicitor and outside council.

Referred to Committee on LOCAL GOVERNMENT, June 22, 2004.

**No. 2741** By Representatives HESS, PISTELLA, SATHER, WATSON, BAKER, WILT, THOMAS, ARMSTRONG, BALDWIN, BELFANTI, BUNT, CAPPELLI, CAUSER, COY, FAIRCHILD, FLICK, GEIST, GEORGE, GRUCELA, HALUSKA, HANNA, HARRIS, HENNESSEY, HORSEY, KILLION, LAUGHLIN, LEH, MACKERETH, MANN, MARKOSEK, MARSICO, McILHATTAN, R. MILLER, RAYMOND, ROSS, RUBLEY, SAYLOR, SCAVELLO, B. SMITH, SOLOBAY, STEIL, STERN, J. TAYLOR, WEBER, WRIGHT and CRAHALLA

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for disposition of funds.

Referred to Committee on FINANCE, June 22, 2004.

**No. 2742** By Representatives BISHOP, THOMAS, JAMES, CRAHALLA, HORSEY, YOUNGBLOOD, KELLER, HERSHEY, KIRKLAND and JOSEPHS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for operation of motor-driven cycles and motorized pedalcycles; and further providing for operation of snowmobiles and all-terrain vehicles on streets and highways.

Referred to Committee on TRANSPORTATION, June 22, 2004.

**No. 2743** By Representatives BISHOP, WATERS, THOMAS, JAMES, PRESTON, SCAVELLO, YOUNGBLOOD, PISTELLA, KELLER and KIRKLAND

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for windshield obstructions and wipers and for issuance of inspection certificates.

Referred to Committee on TRANSPORTATION, June 22, 2004.

**No. 2745** By Representatives BALDWIN, GEIST and McCALL

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, itemizing additional local and State bridge projects.

Referred to Committee on TRANSPORTATION, June 22, 2004.

**No. 2746** By Representative CAWLEY

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the City in return for the imposition of Project 70 restrictions on certain lands being conveyed to the city.

Referred to Committee on STATE GOVERNMENT, June 22, 2004.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 799** By Representatives BISHOP, LEACH, TIGUE, WATERS, WALKO, KIRKLAND, JOSEPHS, LAUGHLIN, CRUZ, JAMES, BEBKO-JONES, WASHINGTON, READSHAW, WHEATLEY, WILLIAMS, THOMAS, D. EVANS, HENNESSEY, SURRA and DENLINGER

A Resolution establishing a special committee to study conditions in State prisons.

Referred to Committee on JUDICIARY, June 22, 2004.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 550, PN 4101**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### SENATE MESSAGE

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1634, PN 4105**.

### SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2273, PN 3496**, with information that the Senate has passed the same without amendment.

### 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 21, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, June 28, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, June 28, 2004, unless sooner recalled by the Speaker of the House of Representatives.

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

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

### BILL REPORTED AND REREFERRED TO COMMITTEE ON RULES

**HB 2722, PN 4102**

By Rep. CLYMER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for medical professional liability actions.

STATE GOVERNMENT.

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

**SB 1052, PN 1704**

By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority and to Robert L. and Karen N. Doult, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, and Ralph and Janet Toland, Sr., certain lands situate in the City of Erie, County of Erie.

STATE GOVERNMENT.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 786, PN 4140** (Amended) By Rep. FLICK

A Resolution directing the Legislative Budget and Finance Committee to study and report on filing and reporting requirements imposed by the Pennsylvania Public Utility Commission on local exchange carriers operating in a competitive telecommunications environment.

CONSUMER AFFAIRS.

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

**HB 2726, PN 4113** By Rep. STAIRS

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, providing for fiscal year waiver of standards.

EDUCATION.

**RULES COMMITTEE MEETING**

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

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1130, PN 4139** (Amended) By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits, for drivers of emergency vehicles, for the Child Passenger Restraint Fund, for oral hazard warnings and for civil immunity for lenders of child passenger restraint systems.

RULES.

**LEAVES OF ABSENCE**

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

The Chair recognizes the majority whip, who requests a leave of absence for the week for the lady from Chester, Mrs. TAYLOR, and the gentleman, Mr. LYNCH, for the week; also requests that the gentleman, Mr. Adolph, be removed from the leave list.

The Chair recognizes the minority whip, who requests that the gentleman, Mr. McGEEHAN, be placed on leave for today. Without objection, the leave of absence is granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—199**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—4**

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

**LEAVES ADDED—1**

Mann

## GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Marc Gergely, August R. Carlino, president and chief executive officer of Steel Industry Heritage Corporation, and Edward K. Muller, Ph.D., chairman of the board of directors of the Steel Heritage Corporation. Would they please rise.

The Chair is also pleased to welcome to the hall of the House, as the guests of Representative Richard Grucela, his guests, Phil Noto and his cousin, Mr. Giuseppe Calantoni, who are seated on the floor of the House. Mr. Noto is executive officer, Command Group of the Department of Military and Veterans Affairs. Mr. Calantoni is visiting from Italy. This is his first visit to the United States. He is here to participate in a trade show of Sicilian products in New York on June 24 through 26 where his olive oil will be featured. Will the gentlemen please rise.

The Chair is also pleased to welcome to the hall of the House Kelsey Bugaile, who is the daughter of Eric Bugaile, who is the executive director of the House Transportation Committee. She is here today as the guest page of Representative Ron Marsico. Kelsey will be an 11th grade student at Central Dauphin High School in the fall. Would she please rise.

The Chair is also pleased to welcome to the hall of the House, as guests of Representative Sheila Miller – they are from Robesonia – Trisha Hoffman; her parents, Nancy and Troy; her grandmother, brother, and teacher. Trisha is a 2004 graduate of Conrad Weiser High School and was recently honored by the Pennsylvania Association of Vocational Education Special Needs Personnel as a first-place winner in the Life/Work Challenge Award Program. Would they please rise.

Representative Ron Buxton from Dauphin County has two guest pages here today: Stephen Murphy, who just graduated from St. Margaret Mary's and will be attending Bishop McDevitt High School this fall; and Devonair Clark, who is a sophomore at Bishop McDevitt High School. Would they please rise.

## CALENDAR

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2474, PN 3531**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for management information reports.

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

Mr. **MELIO** offered the following amendment No. **A2287**:

Amend Title, page 1, line 5, by inserting after "thereto," providing for school district real property tax relief for qualified owners of homesteads or farmsteads and for certain Commonwealth payments; and

Amend Bill, page 3, line 5, by striking out all of said line and inserting

Section 2. The act is amended by adding an article to read:

#### ARTICLE VI-A

#### SPECIAL REAL PROPERTY TAX PROVISIONS

Section 601-A. Short title of article.

This article shall be known and may be cited as the School District Real Property Tax Relief Act.

Section 602-A. Legislative declaration.

The General Assembly, in recognition of the powers contained in section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania which provides for the establishing as a class or classes of subjects of taxation the property or privileges of persons who because of poverty are determined to be in need of special tax provisions, hereby declares as its legislative intent and purpose to implement such power under such constitutional provision by establishing special real property tax provisions as provided in this article.

Section 603-A. Definitions.

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

"Claimant." A resident individual domiciled in a school district who is the owner of a homestead or farmstead and who is liable for the payment of real property taxes levied by the school district on the homestead or farmstead.

"Farmstead." All buildings and structures on a farm not less than ten contiguous acres in area, not otherwise exempt from real property taxation or qualified for any other abatement or exclusion pursuant to any other law, that are used primarily to produce or store any farm product produced on the farm for purposes of commercial agricultural production, to house or confine any animal raised or maintained on the farm for the purpose of commercial agricultural production, to store any agricultural supply to be used on the farm in commercial agricultural production or to store any machinery or equipment used on the farm in commercial agricultural production. This term shall only apply to farms used as the domicile of an owner.

"Governing body." A board of school directors of a school district or any other entity performing the duties of school directors.

"Homestead." A dwelling, including the parcel of land on which the dwelling is located and the other improvements located on the parcel, for which any of the following apply:

(1) The dwelling is primarily used as the domicile of an owner who is a natural person. The homestead for real property qualifying under this paragraph shall not include the land on which the dwelling is located if the land is not owned by a person who owns the dwelling.

(2) The dwelling is a unit in a condominium as the term is defined in 68 Pa.C.S. § 3103 (relating to definitions) and the unit is primarily used as the domicile of a natural person who is an owner of the unit; or the dwelling is a unit in a cooperative as the term is defined in 68 Pa.C.S. § 4103 (relating to definitions) and the unit is primarily used as the domicile of a natural person who is an owner of the unit. The homestead for a unit in a condominium or a cooperative shall be limited to the assessed value of the unit, which shall be determined in a manner consistent with the assessment of real property taxes on those units under 68 Pa.C.S. (relating to real and personal property) or as otherwise provided by law. If the unit is not separately assessed for real property taxes, the homestead shall be a pro rata share of the real property.

(3) The dwelling does not qualify under paragraphs (1) and (2) and a portion of the dwelling is used as the domicile of an owner who is a natural person. The homestead for real property qualifying under this paragraph shall be the portion of the real property that is equal to the portion of the dwelling that is used as the domicile of an owner.

"Household income." All income as defined in this section which is received by the claimant and by the claimant's spouse during

the calendar year for which a claim is filed for school district real property tax relief as provided in this article.

“Income.” All income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities, including railroad retirement benefits, all benefits received under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) except Medicare benefits, all benefits received under State unemployment insurance laws and veterans’ disability payments, all interest received from the Federal Government or any state government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workers’ compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$5,000 of the total of death benefits payments, and gifts of cash or property, other than transfers by gift between members of a household, in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a government agency or property tax rebate.

“Owner.” Includes any of the following:

- (1) A joint tenant or tenant in common.
- (2) A person who is purchasing real property under a contract.
- (3) A partial owner.
- (4) A person who owns real property as a result of being a beneficiary of a will or trust or as a result of intestate succession.
- (5) A person who owns or is purchasing a dwelling on leased land.
- (6) A person holding a life lease in real property previously sold or transferred to another.
- (7) A person in possession under a life estate.
- (8) A grantor who has placed the real property in a revocable trust.
- (9) A member of a cooperative as defined in 68 Pa.C.S. § 4103 (relating to definitions).
- (10) A unit owner of a condominium as defined in 68 Pa.C.S. § 3103 (relating to definitions).
- (11) A partner of a family farm partnership or a shareholder of a family farm corporation as the terms are defined in section 1101-C of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

“Real property taxes.” Taxes levied by or on behalf of a school district on all real property assessed and certified for taxation in the territory constituting the school district.

“Resident individual.” An individual who is domiciled in a school district.

“School district.” A school district of the first class, first class A, second class, third class or fourth class, including any independent school district.

Section 604-A. Real property tax relief.

(a) General rule.—Any claimant who meets the requirements of this section shall be exempt from the payment of the balance of any real property tax imposed by a school district which is in excess of 3% of household income.

(b) Eligibility.—To be eligible for school district real property tax relief in any calendar year, a claimant must satisfy all of the following requirements:

- (1) The claimant must be a resident individual domiciled in the school district and the owner of a homestead or a farmstead against which is assessed and levied a school district real property tax.
- (2) The claimant in each calendar year shall have household income which is equal to or less than 235% of the Federal poverty level and have levied and assessed school district real property taxes which equal or exceed 3% of household income.

(c) Filing of claim.—Each claimant for school district real property tax relief must file a claim with the school district levying the tax on or before October 1.

(d) Content of claim.—The claim form shall contain at least all of the following information:

- (1) The name and marital status of the claimant.
- (2) The address of the real property which is the subject of the tax.
- (3) A copy of the school district real property tax duplicate for the property.
- (4) A complete statement of household income for the previous calendar year.
- (5) A certification that the real property is either a homestead or a farmstead.
- (6) A certification that all information is correct to the best of the claimant’s knowledge, information and belief.

(e) Approval of claims.—All claims for school district real property tax relief shall be approved or disapproved by December 1 of each calendar year.

Section 605-A. Duties of school district.

(a) Form.—Each school district shall develop a form for claims for school district real property tax relief which complies with the requirements of section 604-A(d) (relating to real property tax relief). The form shall be included with each real property tax duplicate sent to taxpayers.

(b) Report to department.—On or before February 1, 2005, and annually thereafter, each school district shall file a report with the Department of Education which lists the total amount of real property tax relief approved by the school district and a list of approved claimants.

(c) Initial real property tax relief.—School district real property tax relief under this article shall initially occur for the school tax year beginning July 1, 2004, and for each school year thereafter.

Section 606-A. Responsibilities of Commonwealth.

(a) General rule.—As provided in section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania, the Commonwealth shall reimburse each school district for the revenues lost as a result of real property tax relief approved under this article. The initial payment to school districts for real property tax relief shall be made in the fiscal year July 1, 2005, to June 30, 2006, based on information gathered in 2004 and 2005.

(b) Duties of department.—The Department of Education shall annually determine the amount of real property tax relief payments each school district shall receive from the Commonwealth. The initial payment shall be made on or before September 1, 2005, and all subsequent payments made annually thereafter.

Section 3. This act shall take effect as follows:

- (1) The amendment of section 613 of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. MELIO. Thank you, Madam Speaker.

This is what we all were elected to do, to reduce property taxes, and this is kind of the first step. This would be a tremendous help to the residents all over the Commonwealth.

Just to give you a little history of this amendment, when we had the local tax reform caucus, Representative Steil, Representative Rubley, and Representative Grucela came up with four packages, four good bills, and this is one of them,

and I have to give a lot of credit to Representative Steil, Representative Rubley, and Representative Grucela.

This would be a tremendous help, and I would like an affirmative vote.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland, Mr. Stairs, on the amendment.

Mr. STAIRS. Thank you, Madam Speaker.

I would like to bring to the attention of the membership, I appreciate what my good friend, Representative Melio, is doing, and we do have a very serious problem with taxes and the lack of ability to pay some of the exorbitant taxes, particularly by our seniors, but as I am looking through the amendment, I do not notice a fiscal note, and I would be sure that my good friend would like to have a fiscal note to tell us what this is going to cost, because I do think it is going to be, although it is a very noble cause, the moneys may be quite extensive.

So I just bring to the attention of the membership today, there is no fiscal note, and I would hope that because there is no fiscal note present, that Representative Melio would withdraw his amendment, and I would like to work with him and I am sure other members would like to work with him to find ways of reducing taxes, and maybe next week we will have a solution to that, I hope. I do not know, but quite possibly, I would say tax reform may come in front of us soon.

So I would ask that the sponsor withdraw the amendment because of lack of a fiscal note at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair is not in receipt of a fiscal note. Does the gentleman, Mr. Melio, have a fiscal note?

Mr. MELIO. Madam Speaker, we did put in this morning for a fiscal note, but I would like to yield the floor to Representative Grucela.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grucela. Would you cease just one moment.

It is almost impossible to hear what they are saying. Could we have some order on the floor, and would members please take their seats.

Mr. GRUCELA. Thank you, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GRUCELA. Thank you.

I was unaware that they put in for the fiscal note this morning, and I know they are checking on that as I speak, but I just wanted to say, again, as Representative Melio mentioned, we did have a bipartisan tax reform caucus that worked many, many months, and this is one of a four-bill package that came out of that caucus – Representative Steil, Representative Rubley, Representative Melio, and myself. Representative Tangretti and Representative Tigue also were very active in that.

I would hope that not only this bill but that the other bills, I think that are from HBs 40 to 43 or somewhere along those numbers, would be taken up for discussion. There was a lot of work put into those bills, and I think they are good bills as we address the problem of the property tax situation in the Commonwealth of Pennsylvania.

So I thank you for this opportunity, and Mr. Melio's amendment, if it would be in order, is one of those bills, and it is a very good bill for senior citizens.

Thank you, Madam Speaker.

BILL AND AMENDMENT  
PASSED OVER TEMPORARILY

The SPEAKER pro tempore. If Mr. Melio does not wish to withdraw his amendment, we will have to go over it temporarily, because we are not in possession of a fiscal note.

The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Thank you very much, Madam Speaker.

That would be wonderful.

The SPEAKER pro tempore. Which would be wonderful?

Mr. MELIO. To go over.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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The House proceeded to third consideration of **HB 2443, PN 3454**, 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 capital stock franchise tax, for imposition and for expiration.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A2405**:

Amend Title, page 1, line 10, by inserting after "penalties," "

providing for contributions to military family relief through individual income tax returns; and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a section to read:

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

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

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

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

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

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

Section 2. Sections 602(h) and 607 of the act, amended December 23, 2003 (P.L.250, No.46), are amended to read:

Amend Bill, page 3, lines 25 and 26, by striking out all of said lines and inserting

Section 3. This act shall apply as follows:

(1) The addition of section 315.7 of the act shall apply to tax returns filed for taxable years commencing after December 31, 2004.

(2) The amendment of sections 602(h) and 607 of the act shall be retroactive to December 23, 2003.

Amend Sec. 3, page 3, line 27, by striking out "3" and inserting  
4

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Madam Speaker, thank you very much.

This General Assembly is supposed to pass a budget and hopefully adjourn for summer recess by June 30. Madam Speaker, Pennsylvania's citizen soldiers, its National Guard and reservists, called up for action, they do not have a summer recess, and our President and Secretary of Defense are predicting more violence in Iraq as June 30 approaches and afterwards.

I first introduced a bill to set up a voluntary fund for military families of our Guard and reservists almost 2 years ago. If we had passed it then, it would have been the first in the country. Now Illinois has set up a fund, Wyoming has a fund, Maine has a fund, and the Governor of South Carolina is about to sign a bill any day.

Madam Speaker, I ask you and our colleagues to support this amendment, which would set up a voluntary fund which would help military families and set up a checkoff on next year's tax forms. Let us send a message that this idea should become law to help the thousands of military families.

We ask for your support.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Delaware County, Mr. Vitali, on final passage.

Mr. VITALI. Thank you, Madam Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. VITALI. The bill as described in our report indicates you are going to be phasing out the capital stock and franchise tax 2 years before it had already been scheduled to be phased out. Is that correct?

Mr. MUSTIO. Actually, Madam Speaker, we are getting back on schedule with the original commitment that Pennsylvania government made to businesses across Pennsylvania. The original phase out was to take place January of 2009. Last year it was extended to 2011.

Mr. VITALI. Okay. What is the cost to our revenues, our annual revenues, of this bill?

Mr. MUSTIO. \$336.5 million.

Mr. VITALI. Okay. I am assuming that was not anticipated in crafting this upcoming year's budget, that \$336 million?

Mr. MUSTIO. I cannot answer that question. I did not craft the budget. I am assuming that the amount of surplus was not anticipated when we extended the phase out from 2009 to 2011 either.

Mr. VITALI. Okay.

Mr. MUSTIO. And we are still in budget negotiations at this time.

Mr. VITALI. If this \$336 million is eliminated, do you anticipate it having to be made up by other sources or services cut?

Mr. MUSTIO. No. I anticipate it being made up by having a smaller tax base, tax rate, spread over an increased economy, which we are already starting to see throughout the country, and I want to see that happen and continue to happen in Pennsylvania.

Mr. VITALI. In other words, you can see that we are going to lose \$336 million—

Mr. MUSTIO. If you want to look at it as a loss—

Mr. VITALI. What I am saying is, where is that money going to come from? I did not quite understand your answer.

Mr. MUSTIO. It is going to continue to come from the same sources it has come from in the past, the business community. It is just that we will have a business community that is growing.

Mr. VITALI. In other words, you feel that taxes from other business sources next year will be in excess of \$336 million this year?

Mr. MUSTIO. That was actually one of the reasons that I ran for office, was to see the economy in the State of Pennsylvania accelerate and grow, and I would anticipate that that would happen. I am a firm believer in a smaller piece of a pie generates a much larger pie, and I am hoping that this, along with the other bills in the Keystone Manufacturing Initiative, will create that environment to do that.

Mr. VITALI. Okay.

If we are going to take a \$336 million cut in revenues, could you maybe outline the policy reasons for taking it from corporate sources versus, perhaps, giving the cut from individual sources such as the personal income tax?

Mr. MUSTIO. I guess it is a matter of philosophy. Businesses are going to create the jobs, as I just got done saying in the answer to a couple of your other questions, and we are going to be having more people working, particularly in my

district where we have 8,000 acres of land ready for development. We have the Findlay Connector that is not just in my district but in Washington County where we have 3,500 acres of land ready for development. We are anxious about the economic stimulus package that was passed with bipartisan support. We are anticipating support from both sides of the aisle for this bill, and I guess the bottom line is, there is a philosophical difference. Businesses create jobs. Jobs are filled by people that work, and those people that work are those in my district that currently have been displaced, and I would like to give them the opportunity to see them back at work.

Mr. VITALI. Does the administration have a position on HB 2443?

Mr. MUSTIO. I do not know that they do. I know last year they were the proponents of extending it, but since that extension and the holding of the rate from last year, we have seen a surplus, and I would like to fuel our economy, and I am discouraged by the tone that we want to keep doing things the way things have been done in the past, and I am just not an advocate for that.

Mr. VITALI. I am just wondering, have you given any consideration to driving the surplus into reducing real estate taxes as opposed to reducing business taxes?

Mr. MUSTIO. This is really only a piece of the puzzle. There are numerous other bills that the House will be entertaining, and there actually was a press conference this morning regarding some initiatives to eliminate property taxes as a funding for schools altogether and at the same time eliminating the sales tax as we know it.

So this is not one of those situations that is going to take care of everything in government. Again, this is just a piece of the puzzle, and that puzzle that we are trying to put together is a better Pennsylvania.

Mr. VITALI. Thank you.

That concludes my questions.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher, on final passage.

Mr. MAHER. Thank you, Madam Speaker.

I want to salute Representative Mustio for this measure. Pennsylvania has a vast array of programs that are labeled economic development. Theoretically, economic development is something the State wants to encourage, yet the nature of the capital stock tax is, if, heaven forbid, someone actually invests in Pennsylvania, they are penalized for making that investment.

I talked to a small business owner just a couple weeks ago who moved their business from another State into Pennsylvania and was shocked and distressed to discover that they have to pay a toll in the form of the capital stock tax to invest in Pennsylvania. We all understand that discouraging investment, discouraging economic development, discourages creation of jobs.

The capital stock tax is a job-crushing tax, and I urge your support for this measure.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Levdansky, on final passage.

Mr. LEVDANSKY. Thank you, Madam Speaker.

Madam Speaker, I just want to bring to the members' attention some considerations that I do not think are first and foremost here.



It has already been mentioned that the cost of this bill is \$337 million to the Commonwealth and to our budget in fiscal year 2004-2005; \$337 million fiscal impact this year, of which \$500,000 alone, a half a million dollars, would be used for administrative expenses associated with the retroactive provision in this legislation. And nearly \$98 million of the cost of this legislation this year, it is due to its retroactive feature alone, applying it to taxpayers in fiscal year 2003. Retroactive tax reductions to a previous year are no more than a windfall in the pockets of a few. Unlike tax rebates given to individuals, they are also rarely spent to stimulate the economy.

The phase out of the capital stock and franchise tax is well established in law, Madam Speaker. And in 1991 the capital stock and franchise tax stood at 13 mills – its all-time historic high. Since then it has been reduced from 13 mills in 1991 down to 6.99 mills today. So in the period of time from 1991 until today, we have reduced the capital stock and franchise tax nearly 50 percent, and it is already established in law that we will continue to phase this tax out and it will be eliminated by fiscal year 2010-2011. If this bill does not pass, we are still on the track to eliminate this tax. There is absolutely no need to accelerate it with this legislation.

The Governor's Business Tax Commission just yesterday came out with its recommendations, which included continuing the phase out of the capital stock and franchise tax at its current rate and also focusing on a significant reduction in the corporate net income tax down to between 6 and 7 percent, so that is our goal, to continue the phase out of the capital stock and franchise tax and to reduce the corporate net income tax down to a rate between 6 and 7 percent. An accelerated rate reduction in the capital stock and franchise tax alone will prevent us from implementing the significant reforms recommended by the Governor's Business Tax Reform Commission.

Make no mistake about it, Madam Speaker: A vote for this bill is not only fiscally irresponsible, not only will put a big hole in this year's budget, but a vote for this bill to accelerate the phase out of the capital stock and franchise tax is a vote to continue the corporate net income tax at its high rate. Madam Speaker, it is a vote to keep the corporate net income tax high because we cannot do both. We can continue the phase out of the capital stock and franchise tax and implement the recommendations of the Governor's Business Tax Reform Commission and reduce substantially the corporate net income tax.

You know, this flies against the face, I think, of what we are trying to achieve in a bipartisan manner in the General Assembly, to continue to reduce this tax, and make no mistake about it: Speeding up the phase out of the capital stock and franchise tax will only put more pressure to keep the corporate net income tax at high levels of rates, which we do not want to see.

I urge a "no" vote on this bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Junior Girl Scout Troop 43 from Walnutport. The troop is a guest of Representative

Julie Harhart. The girls and their leaders are seated in the gallery. Would they please stand.

### CONSIDERATION OF HB 2443 CONTINUED

The SPEAKER pro tempore. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Turzai.

Mr. TURZAI. Thank you, Madam Speaker.

I urge passage of this particular bill to keep our promise to Pennsylvania's employers. We need to focus on keeping Pennsylvania's employers to stay here, expand here, and relocate here. More jobs, family-sustaining jobs, in our Commonwealth means better communities and better schools. Broaden the tax base, and you will have a better Pennsylvania.

Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the speaker and recognizes the gentleman from Allegheny, Mr. Mustio, for the second time.

Mr. MUSTIO. Thank you, Madam Speaker.

A couple last comments.

The previous speaker's mentioning that it has been well established in law that there is a phase out is obviously flawed because we stopped the phase out and extended it last year.

And I would like to close with one comment. To quote my uncle when he has had too much to eat at dinner reminded me of when we take too much of a tax bite: "I have had an eloquent sufficiency, and I can't masticate another morsel."

Thank you, and I urge passage of this bill.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—191

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

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

NAYS—8

|         |           |         |          |
|---------|-----------|---------|----------|
| Cohen   | Levdansky | Roebuck | Vitali   |
| Josephs | Manderino | Stetler | Wheatley |

NOT VOTING—0

EXCUSED—4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Briana Wilkens, who is serving as a guest page. She is the guest of Representative Jerry Birmelin. Would she please rise.

The Chair is also pleased to welcome to the hall of the House, as the guests of the Speaker pro tem, Matt Linnehan and Elaine Southerden. Would they please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2384, PN 4013**, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for definitions, for duties of facility owners, for duties of a One Call System, for duties of contractors and for fines and penalties.

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

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

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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.

### CONSIDERATION OF HB 2474 CONTINUED

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

The SPEAKER pro tempore. It is the understanding of the Chair that Mr. Melio has withdrawn his amendment. The Chair recognizes the gentleman, Mr. Melio. Mr. MELIO. I did not withdraw the amendment yet. The SPEAKER pro tempore. Thank you, sir.

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

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali, on final passage.

Mr. VITALI. Thank you.

Could we have a brief explanation of the bill from the maker?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Madam Speaker.

In response to the inquiry, I will be glad to give him a brief description. I would have hoped that in caucus they would have brought this to his attention, because it is an important bill to help eliminate some mandates.

Oftentimes in this body we hear about new mandates on our school districts, and back in 2001, when we did some school reform legislation, we brought in reporting to the districts, and what has happened in the meantime, last year we passed Act 48, which makes a more concise and more thorough reporting process, and so the prior reporting, you might say, is more obsolete, not as thorough, and it is more of a paper chase for the school districts, and it causes them undue paperwork, and I want to refer to the questioner that the School Boards Association, the school business agents, and the school administrators all favor this legislation because it eliminates unnecessary paperwork and is a more thorough way of reporting to the public accountability on school expenses.

### POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Casorio, on final passage.

Mr. CASORIO. Point of order, Madam Speaker.

The gentleman, as I understood – and maybe I am mistaken; you can clarify, please – the gentleman, Mr. Melio, did not, did not withdraw his amendment from HB 2474.

The SPEAKER pro tempore. The information that the Chair has is that the gentleman, Mr. Melio, has withdrawn the amendment, and he did state that, yes, he had.

Mr. CASORIO. Could I yield the floor, please, to Mr. Melio? I believe that he stated that he did not, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Madam Speaker, thank you very much.

We were under the impression that there was no fiscal note, but I was told by staff that there is a fiscal note and it was timely filed, so I did not withdraw the amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair very clearly asked you, were you withdrawing the amendment, and you said yes, and then we proceeded to final passage.

Mr. MELIO. If you check the record and play back, you will see that I said no.

The SPEAKER pro tempore. We have checked the record, and they said, yes, you did withdraw.

### BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 2474 is over temporarily.

### PARLIAMENTARY INQUIRY

Mr. COY. Madam Speaker?

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

Mr. COY. I just wanted to inquire what the status of the previous bill is.

The SPEAKER pro tempore. It is over temporarily.

Mr. COY. So it has not been read for the third time?

The SPEAKER pro tempore. It has been read for the third time.

Mr. COY. Will the Chair return to the bill where it will be available for amendment?

The SPEAKER pro tempore. When we come back to the bill, we will rescind our announcement that the bill has been agreed to for the third time.

Mr. COY. Thank you, Madam Speaker.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1159, PN 2734**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for exemption for qualified disability trusts; and imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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

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

\*\*\*

The House proceeded to third consideration of **SB 508, PN 1313**, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for redemption of property and for challenging foreclosure sales.

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

Mr. **BROWNE** offered the following amendment No. **A2248**:

Amend Sec. 1 (Sec. 32), page 2, line 4, by striking out "three" and inserting

nine

Amend Sec. 1 (Sec. 32), page 2, line 20, by striking out "the [year] three" and inserting

[the year] nine

Amend Sec. 1 (Sec. 32), page 2, line 26, by striking out "the [year] three" and inserting

[the year] nine

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

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

Mr. **BROWNE**. Thank you, Madam Speaker.

Currently the bill provides for a 3-month redemption period for occupied properties. This amendment would change that period to 9 months out of concerns about individuals who might have fallen on some hard times and want to redeem their property and pay their taxes. So it would give a further period of 6 months to pay taxes and redeem that property.

Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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. **MUSTIO** offered the following amendment No. **A2281**:

Amend Title, page 1, line 15, by inserting after "Assembly," providing for the definition of "charges, expenses and fees"; and

Amend Bill, page 1, lines 19 through 22, by striking out all of said lines and inserting

Section 1. Section 1 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, amended August 14, 2003 (P.L.83, No.20), is amended by adding a definition to read:

Section 1. Be it enacted, &c., That the word "taxes," as used in this act, means any county, city, borough, incorporated town, township, school, bridge, road, or poor taxes, together with and including all penalties, interest, costs, charges, expenses and fees, including reasonable attorney fees, as allowed by this act and all other applicable laws.

\* \* \*

The words "charges, expenses, and fees" as used in this act, include all sums paid or incurred by a municipality to file, preserve and collect unpaid taxes, tax claims, tax liens, municipal claims, and

municipal liens, including but not limited to, prothonotary and sheriff fees, postage expenses, and title search expenses. A county, city, borough, incorporated town, township, school district, or municipal authority may also recover as "charges, expenses, and fees", the charges, expenses, commissions, and fees of third-party collectors retained by the county, city, borough, incorporated town, township, school district, or municipal authority, provided that the charges, expenses, commissions, and fees of such third-party collectors are approved by legislative action of the county, city, borough, incorporated town, township, school district, or municipal authority which levies the unpaid taxes, tax claims, tax liens, municipal claims and municipal liens.

Section 2. Section 32 of the act, amended December 19, 1990 (P.L.1092, No.199) and December 14, 1992 (P.L.859, No.135), is amended to read:

Amend Sec. 2, page 4, line 13, by striking out "2" and inserting 3

Amend Sec. 3, page 4, line 22, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

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

|            |          |         |         |
|------------|----------|---------|---------|
| DiGirolamo | Laughlin | Rooney  | Zug     |
| Diven      | Leach    | Ross    |         |
| Donatucci  | Lederer  | Rubley  | Perzel, |
| Eachus     | Leh      | Ruffing | Speaker |
| Egolf      |          |         |         |

NAYS—0

NOT VOTING—0

EXCUSED—4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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

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

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

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

The following roll call was recorded:

YEAS—195

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

|            |            |          |             |
|------------|------------|----------|-------------|
| Coy        | Hess       | Pistella | Waters      |
| Crahalla   | Hickernell | Preston  | Watson      |
| Creighton  | Horsey     | Raymond  | Weber       |
| Cruz       | Hutchinson | Readshaw | Wheatley    |
| Curry      | James      | Reed     | Williams    |
| Dailey     | Josephs    | Reichley | Wilt        |
| Daley      | Keller     | Rieger   | Wojnarowski |
| Dally      | Kenney     | Roberts  | Wright      |
| DeLuca     | Killion    | Roebuck  | Yewcic      |
| Denlinger  | Kirkland   | Rohrer   | Youngblood  |
| Dermody    | Kotik      | Rooney   | Yudichak    |
| DeWeese    | LaGrotta   | Ross     | Zug         |
| DiGirolamo | Laughlin   | Rubley   |             |
| Diven      | Leach      | Ruffing  | Perzel,     |
| Donatucci  | Lederer    | Sainato  | Speaker     |
| Eachus     |            |          |             |

NAYS—4

|       |           |       |          |
|-------|-----------|-------|----------|
| Habay | Levdansky | Maher | Metcalfe |
|-------|-----------|-------|----------|

NOT VOTING—0

EXCUSED—4

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
|-------|----------|-------|---------------|

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

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

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence. The minority whip requests that the lady, Miss MANN, be placed on leave for the remainder of the day. The Chair hears no objection.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2185, PN 2973**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of selling or furnishing liquor or malt or brewed beverages to minors resulting in injury or death.

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

### RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Eachus, for the purpose of a motion.

Mr. EACHUS. Thank you, Madam Speaker.

I have an amendment. I need a suspension vote on HB 2185. It is amendment A2416, which will clarify language in this bill to exclude religious ceremonies from the underage drinking code.

The SPEAKER pro tempore. The gentleman, Mr. Eachus, moves that the rules of the House be suspended in order to offer amendment No. 2416.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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

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

Mr. EACHUS offered the following amendment No. **A2416**:

Amend Sec. 1 (Sec. 6310.8), page 2, by inserting between lines 10 and 11

(d) Exception.—The provisions of this section shall not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonably, customarily and traditionally required as an integral part of the service or ceremony.

Amend Sec. 1 (Sec. 6310.8), page 2, line 11, by striking out “(d)” and inserting

(e)

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Madam Speaker, this amendment, 2416, merely strengthens this legislation by including the act of providing alcohol to a minor with the definition of “willfully, knowingly, and recklessly,” which is also part of the underage drinking code. It improves the bill and clarifies our language.

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

The following roll call was recorded:

YEAS—198

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

|                |            |          |            |
|----------------|------------|----------|------------|
| Cornell, S. E. | Hasay      | Payne    | Vitali     |
| Corrigan       | Hennessey  | Petrarca | Walko      |
| Costa          | Herman     | Petrone  | Wansacz    |
| Coy            | Hershey    | Phillips | Washington |
| Crahalla       | Hess       | Pickett  | Waters     |
| Creighton      | Hickernell | Pistella | Watson     |
| Cruz           | Horsey     | Preston  | Weber      |
| Curry          | Hutchinson | Raymond  | Wheatley   |
| Dailey         | James      | Readshaw | Williams   |
| Daley          | Josephs    | Reed     | Wilt       |
| Dally          | Keller     | Reichley | Wojnaroski |
| DeLuca         | Kenney     | Rieger   | Wright     |
| Denlinger      | Killion    | Roberts  | Yewcic     |
| Dermody        | Kirkland   | Roebuck  | Youngblood |
| DeWeese        | Kotik      | Rohrer   | Yudichak   |
| DiGirolamo     | LaGrotta   | Rooney   | Zug        |
| Diven          | Laughlin   | Ross     |            |
| Donatucci      | Leach      | Rubley   | Perzel,    |
| Eachus         | Lederer    | Ruffing  | Speaker    |

NAYS-0

NOT VOTING-0

EXCUSED-5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Madam Speaker, thank you.

HB 2185 improves the sections where an individual provides alcohol to minors and strengthens penalties should that minor go out and, you know, have something of a negative outcome. I can tell you that as our summer vacation begins for high school around this Commonwealth, it is essential to try and strengthen this code.

I would like to thank a number of people. I would like to thank both the House majority and minority chairmen of the Judiciary Committee. Also, I would like to thank publicly Mothers Against Drunk Driving. This is the top priority this year for Mothers Against Drunk Driving, and a coalition of law enforcement agencies, union groups, and others have stood to support this bill statewide, and I thank the House today for passage. Let us send a strong signal to adults who would provide alcohol to minors that there is a severe penalty today after this bill's passage for those who would willfully and knowingly and recklessly provide alcohol to our young people in Pennsylvania.

I would like to thank the House in advance.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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



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

The SPEAKER pro tempore. Would the gentleman, Mr. Melio, please come to the rostrum.

\* \* \*

The House proceeded to third consideration of **SB 305, PN 1665**, entitled:

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; and further providing for exemptions from other fees.

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

**BILL RECOMMITTED**

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

Mr. S. SMITH. Madam Speaker, I move that SB 305, PN 1665, be recommitted to the Rules Committee.

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

The SPEAKER pro tempore. The House will be at ease for a moment.

(Conference held at Speaker's podium.)

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 659, PN 4057**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for lawful cooperation or assistance by unlicensed persons.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Staback, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Staback.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, the Senate amendment to HB 659 was technical in nature. It did not change the intent of HB 659 in any way, and I would ask for an affirmative vote on concurrence.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Smith.

Mr. B. SMITH. Thank you, Madam Speaker.

I agree with the comments of Representative Staback and recommend an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Will the House concur in Senate amendments?

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

The following roll call was recorded:

**YEAS—198**

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

**NAYS—0**

**NOT VOTING—0**

EXCUSED—5

Lynch                    McGeehan            Petri                    Taylor, E. Z.  
Mann

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1809, PN 4083**, entitled:

An Act providing for a commercial manure hauler and broker certification program; and establishing requirements.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Egolf, that the House concur in the amendments inserted by the Senate.

On the question recurring,  
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Lynch                    McGeehan            Petri                    Taylor, E. Z.  
Mann

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**RESOLUTION PURSUANT TO RULE 35**

Mrs. LEDERER called up **HR 798, PN 4124**, entitled:

A Resolution observing July 4, 2004, as "Let Freedom Ring Day" and encouraging Pennsylvania to participate in the National Bell Ringing Ceremony that will occur on that day.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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

**CONSIDERATION OF HB 2474 CONTINUED**

**AMENDMENT A2287 WITHDRAWN**

The SPEAKER pro tempore. Turning to page 2 of today's calendar, HB 2474, PN 3531, it is the understanding of the Chair that Mr. Melio has withdrawn this amendment. Is that correct?

Mr. MELIO. Thank you, Madam Speaker.

In a conversation with the Representative, Chairman Stairs, he explained the importance of this bill going without amendment, and I was assured by the proper authorities that this amendment may come back in the form of a bill.

Thank you very much.

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

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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.

**FORMER MEMBER WELCOMED**

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House a former member, Ed Burns, who is in the rear. Would he please stand.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2685, PN 3983**, entitled:

An Act providing for immunization against the influenza virus.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—198**

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

|            |            |          |            |
|------------|------------|----------|------------|
| Curry      | Hutchinson | Raymond  | Wheatley   |
| Daily      | James      | Readshaw | Williams   |
| Daley      | Josephs    | Reed     | Wilt       |
| Dally      | Keller     | Reichley | Wojnaroski |
| DeLuca     | Kenney     | Rieger   | Wright     |
| Denlinger  | Killion    | Roberts  | Yewcic     |
| Dermody    | Kirkland   | Roebuck  | Youngblood |
| DeWeese    | Kotik      | Rohrer   | Yudichak   |
| DiGirolamo | LaGrotta   | Rooney   | Zug        |
| Diven      | Laughlin   | Ross     |            |
| Donatucci  | Leach      | Rubley   | Perzel,    |
| Eachus     | Lederer    | Ruffing  | Speaker    |

NAYS—0

NOT VOTING—0

EXCUSED—5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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.

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER pro tempore. For what purpose does the lady, Ms. Bebko-Jones, rise?

Ms. BEBKO-JONES. Madam Speaker, personal privilege, please.

The SPEAKER pro tempore. State your point of personal privilege.

Ms. BEBKO-JONES. Thank you.

Madam Speaker, on HB 2685 I did have an amendment, A2343, to that bill. I have withdrawn that amendment, but I wanted to indicate to the members on both sides of the aisle that I will be presenting that amendment to another bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

**URBAN AFFAIRS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Taylor, for the purpose of a committee announcement.

Mr. TAYLOR. Thank you, Madam Speaker.

I would like to remind the members of the House Urban Affairs Committee that there will be a meeting today and announce that it will be at 1:30, hearing room 2, in the North Office Building. And, Madam Speaker, I am making that announcement before the announcement of recess, so I hope that fits in with our schedule, but assuming it does, 1:30, hearing room 2, North Office Building.

The SPEAKER pro tempore. The gentleman, Mr. Taylor, calls for a meeting of the Urban Affairs Committee at 1:30 in hearing room 2.

The Chair would like to inform the gentleman, Mr. Taylor, that the House will be back at 1:30, if you would like to call your meeting at a different time.

Mr. TAYLOR. Yes, Madam Speaker. Then the meeting will be at 1 p.m.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Taylor, says the meeting of the Urban Affairs Committee will meet at 1 p.m. in hearing room 2.

Are there any other announcements?

### DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, there will be informal discussions as well as other business in the House Democratic caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### RECESS

The SPEAKER pro tempore. This House will stand in recess until 1:30; 1:30.

### AFTER RECESS

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

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

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HB 659, PN 4057

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for lawful cooperation or assistance by unlicensed persons.

#### HB 1809, PN 4083

An Act providing for a commercial manure hauler and broker certification program; and establishing requirements.

#### HB 1634, PN 4105

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, The State Stores Fund current revenue projects, public highway projects, Motor License Fund projects, Manufacturer's Fund projects and State forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together

with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making related repeals.

#### HB 2273, PN 3496

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

Whereupon, the Speaker, in the presence of the House, signed the same.

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

#### HB 2719, PN 4094

By Rep. HERMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for waiting period after application for marriage license.

### LOCAL GOVERNMENT.

### CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 427, PN 1081**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for required contractual provision regarding home inspections and for reliance by buyer; and providing for engineers and architects.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The gentleman from Westmoreland, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, may I get some – I realize it is a Senate bill, Senator Waugh – but would there be someone maybe on this side of the body, the chairman of the respective committee? As I read the bill— Well, maybe I will save my interrogation if someone will speak.

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

Mr. CASORIO. Thank you, Mr. Speaker.  
 Mr. Speaker, just, again, I am reading from our pre-session report that this bill – and correct me if I am wrong – would permit professional engineers and architects to perform a home inspection even if they have yet to obtain full membership in a national home architects or professional engineers association. Is that correct, Mr. Speaker?

Mr. TAYLOR. No, Mr. Speaker. That is not how I understand it. It is even if they are not a member of the home inspection organization either in the Commonwealth. In other words, this bill sort of grandfathers, if you will, engineers and architects to be able to perform home inspections even if they are not a member of the home inspection organization.

Mr. CASORIO. Okay. I guess maybe that is what I was asking, too, and again, I am just reading from the pre-session report.

So they would be entitled to perform the home inspections, the engineers and architects per se, even if they have not met the same standards of liability – that is what I am seeing here – as the home inspection association? Again, just asking for some clarification.

Mr. TAYLOR. Yes. They just would not have to be members of that organization. They have to be members in good standing of their own organizations, but then they would be fully able to complete a home inspection as pursuant to an agreement of sale.

Mr. CASORIO. Okay.  
 Thank you, Mr. Speaker.

On the question recurring,  
 Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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.

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

**HB 1954, PN 2554** By Rep. J. TAYLOR

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power and authority.

URBAN AFFAIRS.

**HB 2011, PN 2653** By Rep. J. TAYLOR

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for extension of licensed premises in a city of the first class.

URBAN AFFAIRS.

**HB 2029, PN 2670** By Rep. J. TAYLOR

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

URBAN AFFAIRS.

**ELEANOR MORRIS INTRODUCED**

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

The gentleman would like just a few moments of your time. Please keep the noise level down.

Mr. DeWEESE. Just one minute, Mr. Speaker.

Thank you very kindly.

On behalf of Representatives Curt Schroder, Ray Bunt, Bud George, myself, and many others here who served with Sam Morris, I would like the House to give a rousing ovation to his widow, Mrs. Sam Morris, Mrs. Eleanor Morris, a great friend of the Pennsylvania General Assembly, a stupendous advocate on behalf of our environment, and a wonderful member of the Pennsylvania House family. Eleanor, would you please stand up and be recognized.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 200, PN 1644**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

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

**RULES SUSPENDED**

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

Mr. S. SMITH. Mr. Speaker, I move for the suspension of the rules to offer an amendment to SB 200, PN 1644.

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

The following roll call was recorded:

**YEAS—197**

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

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

**NAYS—1**

Pallone

**NOT VOTING—0**

**EXCUSED—5**

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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

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

Mr. S. SMITH offered the following amendment No. **A2357**:

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

Section 1. Section 8346(b) and (b.1) of Title 24 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1 (Sec. 8346), page 3, by inserting between lines 13 and 14

(b.1) Return to school service in an extracurricular position.—An annuitant may be employed under separate contract by a [school entity] public school or charter school in an extracurricular position outside regular instructional hours and not part of mandated curriculum without loss of annuity. Neither the annuitant nor the employer shall make contributions to the member's savings account or State accumulation account respectively for such service. Further, such contract shall contain a waiver whereby the annuitant waives any potential retirement benefits that could arise from the contract and releases the employer and the board from any liability for such benefits.

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

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

Mr. Smith, would you like to say anything about your amendment?

Mr. S. SMITH. I was standing, Mr. Speaker. I am sorry.

The SPEAKER. On the amendment.

Mr. S. SMITH. Is there a question posed to me, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Vitali, was on his way up, so I thought I may as well call on you rather than wait for him.

Mr. S. SMITH. Oh, this is the brief explanation of the amendment. I apologize, Mr. Speaker.

I should not be facetious. We did ask for a suspension of the rules.

This was some language that was in the bill as it came back from the Senate that we have tried to fine-tune a little bit, and basically, it has to do with a situation where someone has retired as a public school teacher but also serves in a voluntary-type – or part-time capacity; excuse me – with a university as a coach, the problem being that when someone is in that position – they have retired as a public school employee – then their ability to serve as a coach at a university would be compromised relative to their retirement, and this is just providing a mechanism from which a person could be a retired schoolteacher and still do some work as a coach, therefore, without jeopardizing their pension, and that is basically what it is about.

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—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

|               |          |       |               |
|---------------|----------|-------|---------------|
| Lynch<br>Mann | McGeehan | Petri | Taylor, E. Z. |
|---------------|----------|-------|---------------|

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—198

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



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

NAYS—0

NOT VOTING—0

EXCUSED—5

|       |          |       |               |
|-------|----------|-------|---------------|
| Lynch | McGeehan | Petri | Taylor, E. Z. |
| Mann  |          |       |               |

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

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

The SPEAKER. Are there any further announcements? Any caucus announcements?

There will be no further votes on the floor of the House today. We will be in voting session tomorrow.

### DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus tomorrow morning at 10 a.m. on budget-related issues.

The SPEAKER. The Chair thanks the gentleman.

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Millard.

Mr. MILLARD. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 23, 2004, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:50 p.m., e.d.t., the House adjourned.