

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 10, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

The House convened at 11:15 a.m., e.s.t.

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

PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Madam Speaker.

Let us pray:

O God, father of all mankind and ruler of the world to the furthest star in the universe, thank You for this day that You have made and given unto us. We will rejoice and be glad in it as we walk today in the sunshine of Your love and live by the purpose of Your divine hand and we enjoy the beauty of Your many gifts. And so I pray today for Your wisdom for each and every one of the members of the House of Representatives, to serve the people of this Commonwealth of Pennsylvania with glad hearts and deep commitments. Grant unto us the opportunity and the courage to speak up when necessary, to remain calm and show strength and wisdom in times of adversity.

Help us, O God, to develop eyes of great commission that will always be searching for new opportunities to resolve conflict and to welcome harmony. Bless each of us as we go forth today to do the work that has been assigned by our hands as Representatives of this great Commonwealth. Let us serve with dignity and with respect and with honor. Make Your face to shine upon us and Your glory to surround us as we strive to do justly, to love mercy, and to walk humbly before You.

Bless not only this House of Representatives, Father, but please, we pray a special blessing for the children, the schoolchildren in the Commonwealth of Pennsylvania, and we pray for the administrative and all of the staff members and their families who help this House to do all it is supposed to do.

We ask these and all blessings in Your name, as we ask today that You mount us up on eagle wings that we may fly during times of trouble with ease and with grace. 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 Tuesday, November 9, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2979 By Representative NICKOL

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, defining "alternative investment"; and further providing for administrative duties of the board.

Referred to Committee on EDUCATION, November 10, 2004.

No. 2981 By Representatives THOMAS, TANGRETTI, YOUNGBLOOD, BISHOP, WASHINGTON, WATERS, SCRIMENTI, MELIO, KIRKLAND, JOSEPHS, JAMES, CURRY, J. TAYLOR, DeWEESE and DALEY

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for exclusive liability of employer.

Referred to Committee on LABOR RELATIONS, November 10, 2004.

No. 2982 By Representatives MELIO, BELFANTI, GOOD, HARHAL, HESS, PHILLIPS, WALKO, YOUNGBLOOD, BOYD, GRUCELA, HARPER, KOTIK, STABACK and WASHINGTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing penalties for the offense of patronizing prostitutes.

Referred to Committee on JUDICIARY, November 10, 2004.

No. 2983 By Representatives MELIO, CORRIGAN, GRUCELA, KOTIK, MICOZZIE, THOMAS, WASHINGTON, YOUNGBLOOD, CRAHALLA, HARPER, McILHATTAN, SOLOBAY, TIGUE and WEBER

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

Referred to Committee on FINANCE, November 10, 2004.

No. 2984 By Representatives MELIO, DALEY, FABRIZIO, GEORGE, HARRIS, R. MILLER, RUBLEY, THOMAS, YOUNGBLOOD, DENLINGER, FRANKEL, HARPER, HORSEY, O'NEILL, B. SMITH and TIGUE

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing, in open meetings, for executive sessions.

Referred to Committee on STATE GOVERNMENT, November 10, 2004.

No. 2985 By Representatives BAKER, B. SMITH, ARMSTRONG, BASTIAN, BENNINGHOFF, BOYD, CAUSER, CLYMER, CREIGHTON, DALLY, DENLINGER, EGOLF, FAIRCHILD, FORCIER, GEIST, GOODMAN, HANNA, HARRIS, HENNESSEY, HERSHEY, HESS, KILLION, LEH, LEVDANSKY, McNAUGHTON, PALLONE, PICKETT, REICHLEY, SOLOBAY, STABACK, STERN, T. STEVENSON, R. STEVENSON, E. Z. TAYLOR, WILT and YOUNGBLOOD

An Act providing for recreational hunting on lands managed by the Department of Conservation and Natural Resources.

Referred to Committee on GAME AND FISHERIES, November 10, 2004.

No. 2986 By Representatives HERMAN, BAKER, BUNT, CAPPELLI, GINGRICH, KOTIK, LEWIS, McILHATTAN, NICKOL, YOUNGBLOOD, FRANKEL and J. EVANS

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for retention and reinstatement of service credits, election of membership and purchase of prior service.

Referred to Committee on STATE GOVERNMENT, November 10, 2004.

No. 2987 By Representatives STERN, GEORGE, FABRIZIO, HERMAN, SATHER, RUBLEY, BAKER, GOODMAN, CORRIGAN, NAILOR, SAYLOR, WATSON, BUNT, GODSHALL, YOUNGBLOOD, GEIST, PICKETT, HUTCHINSON, GINGRICH, HARRIS, LESCOVITZ, HESS, TURZAI, KOTIK, ARMSTRONG, BOYD, SHANER, R. MILLER, E. Z. TAYLOR, DENLINGER, CRAHALLA, BENNINGHOFF, THOMAS, ROHRER and PAYNE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for unclaimed property.

Referred to Committee on FINANCE, November 10, 2004.

No. 2988 By Representatives HESS, PHILLIPS, STERN, E. Z. TAYLOR, BASTIAN, FLEAGLE, CAUSER, CRAHALLA, DeLUCA, FAIRCHILD, GINGRICH, HARRIS, KOTIK, McILHATTAN, READSHAW, REICHLEY, SCAVELLO, WASHINGTON, WATSON and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an income tax checkoff to provide funding for cystic fibrosis.

Referred to Committee on FINANCE, November 10, 2004.

No. 2989 By Representatives BUNT, CALTAGIRONE, FABRIZIO, READSHAW, CASORIO and KOTIK

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for confidentiality of prize winners' names and addresses.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, November 10, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 914 By Representatives DALEY, DeWEESE, VEON, DeLUCA, GRUCELA, TIGUE, LEDERER, JAMES, BEBKO-JONES, CORRIGAN, PALLONE, HANNA, McGEEHAN, DONATUCCI, CAWLEY, PISTELLA, LaGROTTA, SANTONI, HORSEY, HALUSKA, SHANER, MELIO, WASHINGTON, CURRY, HARHAI, GEORGE, ROEBUCK, READSHAW, MACKERETH, CIVERA, SCRIMENTI, HERMAN, SCAVELLO, RUBLEY, STABACK, THOMAS, BISHOP and YOUNGBLOOD

A Resolution calling upon the Governor to exercise emergency powers to sanction health care providers for administering influenza vaccine to any person not on the CDC priority list.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 10, 2004.

No. 915 By Representatives CAPPELLI, BOYD, BUNT, CLYMER, CRUZ, DALEY, DiGIROLAMO, FABRIZIO, FAIRCHILD, GEORGE, HERSHEY, JAMES, MAJOR, MCGILL, PALLONE, PAYNE, PICKETT, SAINATO, SAYLOR, SCAVELLO, B. SMITH, TIGUE, YOUNGBLOOD, GINGRICH, EGOLF and LEH

A Resolution urging the Federal Aviation Administration to fully and properly staff and maintain the Automated Flight Service Station at the Williamsport-Lycoming Airport in Pennsylvania.

Referred to Committee on TRANSPORTATION, November 10, 2004.

No. 916 By Representatives O'NEILL, ARGALL, BARRAR, BEBKO-JONES, BROWNE, BUNT, CAPPELLI, CLYMER, CRAHALLA, DALEY, DiGIROLAMO, FICHTER, FLEAGLE, GEORGE, GINGRICH, GOOD, GOODMAN, HARHAI, HENNESSEY, KOTIK, LAUGHLIN, LEDERER, LESCOVITZ, MANDERINO, MANN, MARKOSEK, MCGILL, McILHATTAN, R. MILLER, S. MILLER, MUNDY, NAILOR, O'BRIEN, PALLONE, PAYNE, PHILLIPS, READSHAW, REICHLEY, ROSS, RUBLEY, SCAVELLO, SCHRODER, SHANER, STABACK, STERN, R. STEVENSON, T. STEVENSON, STURLA, E. Z. TAYLOR, THOMAS, WATSON, WEBER, WHEATLEY, WILT, YOUNGBLOOD and ADOLPH

A Resolution urging the President and Congress of the United States to fully fund special education in accordance with the Individuals with Disabilities Education Act.

Referred to Committee on EDUCATION, November 10, 2004.

SENATE BILLS FOR CONCURRENCE

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

SB 492, PN 1653

Referred to Committee on JUDICIARY, November 10, 2004.

SB 912, PN 1851

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 10, 2004.

SB 1201, PN 1863

Referred to Committee on LOCAL GOVERNMENT, November 10, 2004.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be taken from the table:

HB 2931;
SB 356;
SB 432;
SB 668;
SB 871;
SB 1099; and
SB 1112.

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

BILLS ON SECOND CONSIDERATION

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

HB 2931, PN 4566; SB 356, PN 1887; SB 432, PN 1901; SB 668, PN 1888; SB 871, PN 1889; SB 1099, PN 1916; and SB 1112, PN 1605.

BILLS RECOMMITTED

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 2931;
SB 356;
SB 432;
SB 668;
SB 871;
SB 1099; and
SB 1112.

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

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of an actuarial note for amendment No. 4295 to HB 2748, PN 4285.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2719, PN 4482**, 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 BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 547, PN 805; HB 599, PN 1483; HB 600, PN 702; HB 2441, PN 3452; and HB 2589, PN 3873**, with information that the Senate has passed the same without amendment.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2189, PN 4686 (Amended) By Rep. HERMAN

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options; and providing for land trusts.

LOCAL GOVERNMENT.

HB 2917, PN 4535

By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, authorizing appropriations to watershed associations.

LOCAL GOVERNMENT.**RULES COMMITTEE MEETING**

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 2588, PN 4685 (Amended)**

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for employment of school health personnel.

EDUCATION.**SB 931, PN 1929 (Amended)**

By Rep. STAIRS

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs; and further providing for National Guard eligibility.

EDUCATION.**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 2719, PN 4482**

By Rep. S. SMITH

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

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 gentleman from Warren County, Mr. LYNCH, and the gentleman from Cumberland County, Mr. NAILOR. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip, who requests a leave of absence for today for the gentleman from Philadelphia, Mr. EVANS, also the gentleman from Philadelphia, Mr. CRUZ. Without objection, the leaves of absence are 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—196

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—6**

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch		

LEAVES ADDED—5

Coleman	Laughlin	Ruffing	Saylor
Haluska			

THE HARRISBURG INTERNSHIP SEMESTER STUDENTS INTRODUCED

The SPEAKER pro tempore. Could I have the attention of the members, please. Could we have some quiet in the hall.

Since 1989, the Pennsylvania State System of Higher Education has sponsored The Harrisburg Internship Semester program for high achievers from 14 universities. This fall we have 15 students placed at different government agencies. The students and their resident faculty director are seated in the rear of the House. I would ask them to stand as their names are called. Please hold your applause until they are all introduced.

They are John Campo, who attends East Stroudsburg University of Pennsylvania. He works at the Bureau of Consumer Protection.

Eric Carl is from Clarion University of Pennsylvania and is assigned to the office of Representative Michael Hanna.

Molly Clay is from Bloomsburg University of Pennsylvania and works in the Office of the First Lady.

Delyan Dimitrov is from Shippensburg University of Pennsylvania and works at the Department of State.

Megan Fleming is from West Chester University of Pennsylvania and works for the office of Senator Jay Costa, Jr.

Laura Friday is from Indiana University of Pennsylvania and works for the Governor's Policy Office.

Leah Humes is from Edinboro University of Pennsylvania and is an intern in the office of Senator Sean Logan.

Justin Kleinfelter is from Millersville University of Pennsylvania and works with the Department of Community and Economic Development.

Leonard Kovalick is from Kutztown University of Pennsylvania and is assigned to the Department of Environmental Protection.

Jody LaVerdure is from East Stroudsburg University of Pennsylvania and works at the Policy Office at the Department of Health.

Kanchan Mahara attends Lock Haven University of Pennsylvania and is assigned to the Office of the Speaker.

John E. Morgan is from California University of Pennsylvania and works for the Governor's Policy Office.

Lisa Reynolds is from Bloomsburg University of Pennsylvania and works at the Pennsylvania Board of Probation and Parole.

Derek Songer is from Slippery Rock University of Pennsylvania and works at the Office of the Inspector General.

Anna Tkachenko is from Mansfield University of Pennsylvania and works at the Speaker's Office.

Dr. Ruth E. Davis is the professor and resident faculty director of The Harrisburg Internship Semester program, sponsored by the Pennsylvania State System of Higher Education.

Would all of them please rise, and could we please give them a very warm welcome.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Holly Arnold, who attends Duquesne University and is working as an intern in Representative Tom Stevenson's district office. Holly is seated to the left of the Speaker. Would she please rise.

The Chair is also pleased to welcome to the hall of the House the children of Representative Pete Zug, Sarah and Ben, who are serving as guest pages for today. Would they please rise.

PENNSYLVANIA NATIONAL GUARD PURPLE HEART RECIPIENTS PRESENTED

The SPEAKER pro tempore. Could we please have quiet in the hall of the House.

The Chair is pleased to recognize Representative Matt Baker, who has some very special guests to introduce to all of us. Representative Baker.

Would the members please take their seats.

Mr. BAKER. Thank you, Madam Speaker.

It is entirely appropriate that today on the floor of the House, the day before Veterans Day, that we think about the sacrifices that our Pennsylvania National Guard as well as our veterans have given in the line of duty, and today we are especially honored and privileged to have four Purple Heart recipients with us on the floor of the House of Representatives.

Pennsylvania has always given her sons and daughters to the fight for freedom, so it is no wonder that Pennsylvania boasts the oldest division and the largest National Guard in the country. We are very much honored to have these four Purple Heart recipients today with us.

The glorious history of the Pennsylvania National Guard spans 257 years. From the very start of the nation, the Pennsylvania National Guard was at the tip of the spear of selfless service. In the chamber with us today we are honored to be joined by four Pennsylvania National Guardsmen whom we will recognize and honor.

While serving our nation in Iraq, Pennsylvania Army National Guard soldiers Sgt. Brian Messersmith and Spc. Ryan Owlett from my district were wounded in the line of duty. From the Pennsylvania Air National Guard's 193d Special Operations Wing we also honor M. Sgt. Donald Koch and T. Sgt. Philip Myers, the first Purple Heart recipients in the Pennsylvania Air National Guard. We thank these brave soldiers and airmen for their sacrifice. And in talking and meeting with Ryan earlier today, they were guarding a chemical warehouse depot, and unfortunately, it blew up. There were some fatalities, but he survived personally, as well as his buddies. He was badly burned at the time, and all four of these first-time Purple Heart recipients are here today because they gave selfless sacrifice in the line of duty. Please rise and honor our Purple Heart recipients.

Also with them in the rear of the hall of the House are additional guardsmen and airmen as well as their family members. Please remain standing and be recognized.

Thank you very much, Madam Speaker and ladies and gentlemen of the House.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representatives Kate Harper and Gene McGill, the Fread family – Jeff, Karen, and Alyssa – and Karina Velsquez of Ambler, Montgomery County. They are visiting the Capitol for today. Would they please rise.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1922**, **PN 4239**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service and for contributions for purchase of credit for creditable nonschool service.

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

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

The question is, shall the bill pass finally?

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

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

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

Mr. HUTCHINSON. Thank you, Madam Speaker.

Quite simply, this bill would allow the buyback of service time for employees who are members of PSERS (Public School Employees' Retirement System) and the retirement system to buy back their county time if they were previous county employees.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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-196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 2804**, **PN 4328**, entitled:

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

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch		

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the lady from Chester County, Mrs. Rubley, for a suspension motion on HB 2861, PN 4669. The lady, Mrs. Rubley, is recognized.

Mrs. RUBLEY. Madam Speaker, I move that the rules of the House be suspended for immediate consideration of HB 2861.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

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

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

EXCUSED—6

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch		

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2861, PN 4669**, entitled:

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

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—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 1977, PN 3595**, entitled:

An Act providing for lyme and related tick-borne disease diagnosis and treatment, for denial, revocation or suspension of license or discipline of treating physicians and doctors of osteopathy and for professional misconduct proceedings.

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

Mr. LEWIS offered the following amendment No. **A4427**:

Amend Sec. 6, page 4, line 9, by striking out "EVERY" and inserting

(a) Tick-borne illness.—Except as provided in subsection (b), every

Amend Sec. 6, page 4, by inserting between lines 15 and 16

(b) Exception.—Subsection (a) shall not apply to any of the following types of insurance:

- (1) Hospital indemnity.
- (2) Accident.
- (3) Specified disease.
- (4) Disability income.
- (5) Dental.
- (6) Vision.
- (7) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.
- (8) Medicare supplement.
- (9) Long-term care.
- (10) Other limited insurance benefit plans.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch		

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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.

Could we have a brief explanation of this bill?

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

Mr. PHILLIPS. Madam Speaker, could I have that question again?

The SPEAKER pro tempore. The gentleman requests a brief explanation of the legislation.

Mr. PHILLIPS. Thank you, Madam Speaker.

What this legislation would do, it would provide protection for physicians from professional misconduct proceedings solely for prescribing therapy for Lyme disease if the diagnosis and treatment of Lyme disease is documented in the patient's medical record. It requires health insurance policies to cover prescribed treatment for Lyme disease if the diagnosis and treatment plan for Lyme disease is prescribed by the patient's attending physician and documented in the patient's medical records.

That is exactly what this bill does. There are problems with health coverage and the treatment of Lyme disease, and we want to make sure that every individual who has Lyme disease has the opportunity to be treated.

Thank you.

Mr. VITALI. Madam Speaker, if I may continue.

I am just trying to understand why. Now, this exempts physicians from professional misconduct for disciplinary action with regard to the treatment of Lyme disease. Now, why is Lyme disease treated different from any other of the countless other diseases physicians might treat?

Mr. PHILLIPS. It is the type of treatment that is required. If Lyme disease is detected early, a short-term treatment can take place within a 2-, 3-week period. If it is not found out until later on, it takes a long-term treatment, and this is what we are looking at.

Mr. VITALI. Yeah, I know it is a tricky disease, but there also are other tricky, more subtle diseases out there, too. But again, it sort of brings back the question, if the standards are tricky, then it should be tougher to bring a misconduct action. But why is this, simply this disease, being exempted from potential disciplinary and misconduct proceedings? If a physician engages in misconduct with regard to Lyme disease, why should not sanctions be imposed?

Mr. PHILLIPS. There is some conflict among doctors as to how this disease should be treated, and there are some of these doctors who are treating the disease who do not want any lawsuits filed against them for that reason, and they are looking for protection. And if you listen to what is here, the diagnosis and treatment of this disease has to be documented in the

patient's record, and we do not want to deprive anybody, because there is a difference as to how the treatment should be, and we want to protect those who are treating it and doing the long-term treatment that has been prescribed, and as we read in the Reader's Digest, it is 1 of the 10 most diseases that are misdiagnosed, and one of them is Lyme disease, and we want to make sure that the treatment is available and we do not want to have some doctors have lawsuits filed against them because of the way they do treat it. And it is a known fact — I have 40 documented cases — where misdiagnosis took place, where it was diagnosed as ALS (amyotrophic lateral sclerosis), as MS (multiple sclerosis), and through long-term treatment, it is a difference as to how the treatment should take place, and sometimes long-term treatment is questioned, and we do not want to see that happen.

Mr. VITALI. So in other words, if your bill would pass, if a physician engages in gross medical malpractice and misdiagnoses Lyme disease and a patient suffers great injuries as a result of that gross misdiagnosis and medical malpractice, that patient would be precluded from any sort of recovery here?

Mr. PHILLIPS. What they are trying to do is protect these physicians from other physicians who are not involved in the treatment of this disease. If patients file, that will not affect them. They can still file.

Mr. VITALI. So you are saying this bill would not preclude any malpractice actions against a physician by a patient.

Mr. PHILLIPS. That is correct.

Mr. VITALI. It just goes to disciplinary proceedings against patients — against doctors rather.

Mr. PHILLIPS. That is correct.

Mr. VITALI. Okay. Has the Medical Society weighed in on this issue at all? The PA Medical Society?

Mr. PHILLIPS. They are not in favor of it, but we still feel that physicians need protection. It is these physicians that are treating Lyme disease. Lyme disease is a—

Mr. VITALI. Let me just nail that answer down. You are saying the Pennsylvania Medical Society opposes this bill? Is that correct?

Mr. PHILLIPS. That is correct.

Mr. VITALI. Okay. Do you know of any other groups who have taken a formal position on this?

Mr. PHILLIPS. Blue Cross and Blue Shield and Highmark; Blue Cross and Highmark.

Mr. VITALI. Okay. The insurance carriers support it or oppose it?

Mr. PHILLIPS. They are not in favor of it.

Mr. VITALI. I am sorry. Blue Cross and Blue Shield oppose it?

Mr. PHILLIPS. Blue Cross and Highmark oppose.

Mr. VITALI. Okay. Is it specific language, and I ask that question because perhaps if there is some specific language, it might make some sense to perhaps rerefer it to the appropriate committee. Did this come out of the Professional Licensure Committee? What committee did this come out of?

Mr. PHILLIPS. Health and Human Services.

Mr. VITALI. Was a hearing held on this, do you know? Was a hearing on this bill held?

Mr. PHILLIPS. No.

MOTION TO RECOMMIT

Mr. VITALI. Madam Speaker, at this point I would like to make a motion.

The SPEAKER pro tempore. The gentleman will state your motion, please.

Mr. VITALI. Because of some of the questions that have been raised, some of the concerns, I am going to move that this be rereferred to the Health and Human Services Committee for further study so that perhaps some of the objections of the Medical Society and Blue Cross and Highmark can be addressed. So I so move that this be recommitted to the Health and Human Services Committee.

The SPEAKER pro tempore. The gentleman from Delaware County moves that HB 1977 be recommitted to the Health and Human Services Committee.

Those in favor of recommitting the bill to the Health and Human Services Committee will vote "aye"; those who do not wish it to be recommitted will vote "nay."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—90

Bebko-Jones	Freeman	McNaughton	Shaner
Belfanti	Gergely	Melio	Smith, S. H.
Biancucci	Goodman	Mundy	Solobay
Bishop	Gruitza	Myers	Staback
Blaum	Haluska	Oliver	Stetler
Bunt	Harhai	Pallone	Sturla
Buxton	Harper	Petrarca	Tangretti
Caltagirone	Horsey	Petrone	Thomas
Casorio	James	Pistella	Tigue
Cawley	Josephs	Preston	Travaglio
Cohen	Keller	Readshaw	Veon
Corrigan	Kirkland	Rieger	Vitali
Costa	Kotik	Roberts	Walko
Curry	LaGrotta	Roebuck	Wansacz
Daley	Laughlin	Rooney	Washington
DeLuca	Leach	Rubley	Waters
Dermody	Lederer	Ruffing	Wheatley
DeWeese	Lescovitz	Sainato	Williams
Diven	Levdanský	Samuelson	Wojnarowski
Donatucci	Manderino	Santoni	Yewcic
Eachus	Mann	Saylor	Youngblood
Fabrizio	Markosek	Scrimenti	Yudichak
Frankel	McGeehan		

NAYS—104

Adolph	Evans, J.	Leh	Reichley
Allen	Fairchild	Lewis	Rohrer
Argall	Feese	Mackereith	Ross
Armstrong	Fichter	Maher	Sather
Baker	Fleagle	Maitland	Scavello
Baldwin	Flick	Major	Schroder
Barrar	Forcier	Marsico	Sammel
Bastian	Gabig	McCall	Smith, B.
Belardi	Gannon	McGill	Stairs
Benninghoff	Geist	McIlhatten	Steil
Birmelin	George	McIlhinney	Stern
Boyd	Gillespie	Metcalfe	Stevenson, R.
Browne	Gingrich	Micozzie	Stevenson, T.
Butkovitz	Godshall	Millard	Surra
Cappelli	Good	Miller, R.	Taylor, E. Z.
Causar	Grucela	Miller, S.	Taylor, J.
Civera	Habay	Mustio	True

Clymer	Harhart	Nickol	Turzai
Coleman	Harris	O'Brien	Vance
Cornell, S. E.	Hasay	O'Neill	Watson
Crahalla	Hennessey	Payne	Wilt
Creighton	Herman	Petri	Wright
Dailey	Hershey	Phillips	Zug
Dally	Hess	Pickett	
Denlinger	Hickernell	Raymond	
DiGirolamo	Hutchinson	Reed	Perzel,
Egolf	Kenney		Speaker

NOT VOTING—2

Bard Killion

EXCUSED—6

Cruz Hanna Nailor Weber
Evans, D. Lynch

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

On the question recurring,
Shall the bill pass finally?

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

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I have had the benefit of seeing some of the material that went before the committee — a staff aide gave it to me — and I have learned that in Rhode Island, the Rhode Island legislature passed a law dealing with this situation. The problem in brief seems to be that there are a lot of people who believe that investigational or experimental treatments work to some degree for some patients but they are not the prescribed protocols, but the prescribed protocols provide no hope at all and the experimental or unproven treatments provide some hope and some results for some people at some times. So the Rhode Island legislature has passed a law saying treatment otherwise eligible for benefits pursuant to this section shall not be denied solely because such treatment may be characterized as unproven, experimental, or investigational in nature.

I believe that the Rhode Island solution is the right solution, that we could guarantee that people still receive medication, but we are not issuing a blanket exemption to all doctors who treat Lyme disease from any professional discipline. If we pass this, then it is only going to be a matter of days before some doctor who treats cancer is going to come before us and say, well, I treat cancer; you know, I demand that I be free to use whatever methods I can think of. And then somebody will say, I treat diabetes; that is a terrible disease; why should I not have the same exemptions. There is no end to this process once we begin it. What we are basically saying is that the professional discipline system works to discourage treatment, and if that is true, maybe we just ought to forget about professional discipline, and that just has to be the reason why the Pennsylvania Medical Society opposes it. It goes too far.

Now, there is a fundamental issue here— There are two fundamental issues here. One fundamental issue is whether or not people ought to get reimbursed for treatment which is experimental, unproven, or investigational in nature. And I tend to agree with Mr. Phillips that people ought to be able to get

treatment for things that are unproven, experimental, or investigational in nature if and only if there is no alternative. If the only alternative is you have to suffer endlessly without treatment because there is no treatment that meets whatever the standards are of being always or almost always effective, then I think it makes sense that you say, okay, there is no treatment that is almost always effective but there is some treatment that is effective 35 or 45 percent of the time, so go ahead with the treatment that is effective 35 or 45 percent of the time. I think that makes sense, and I think the treatment ought to be reimbursed.

I do not think it makes any sense to exempt all doctors who treat any disease from possible disciplinary conduct, because I do not see any end to the number of bills we are going to get from this doctor who treats disease A and the doctor who treats disease B and the doctor who treats disease C. Everybody is going to be coming before us to demand exemptions, and we are not going to have any ability to discipline anybody. And lawyers are going to come before the Supreme Court and say, well, I handle this type of case; I want an exemption. And architects, everybody is going to be asking for exemptions for specific tasks, and this just does not make any real sense for any kind of regulatory scheme.

MOTION TO POSTPONE

Mr. COHEN. Madam Speaker, I would like to move that this bill be placed on the table until Monday so that other amendments could be prepared for it and that we can pass this bill with proposals that make sense and do not do any damage to our entire regulatory scheme.

The SPEAKER pro tempore. Would the gentleman like to make a motion that it be postponed until a date certain?

Mr. COHEN. Yes. I move passage on this bill be postponed until Monday, November 15, at 1 p.m.

The SPEAKER pro tempore. The gentleman from Philadelphia moves that this bill be postponed until Monday, the 15th of November, at 1 p.m.

Those in favor—

Mr. COHEN. Madam Speaker, we are not in session at that time. I am corrected. Make it Tuesday, November 16.

The SPEAKER pro tempore. We will be in session on Monday the 15th.

Mr. COHEN. We will be? Okay.

The SPEAKER pro tempore. But perhaps it would be better if you did not state a specific time.

Mr. COHEN. Okay. If we are in session, Madam Speaker, Monday, November 15, at 1 p.m.

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

(Conference held at Speaker's podium.)

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

Mr. COHEN. Thank you.

Madam Speaker, on the advice of the Parliamentarian, I am changing my motion to just the day of November 15 without a specific time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from Philadelphia moves that this bill be postponed until Monday the 15th.

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

The SPEAKER pro tempore. On the motion to postpone, the Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Madam Speaker.

I rise to oppose the motion to postpone till next week because I think it is a very important issue.

We have individuals out there who are now being deprived of health care with Lyme disease, and it is a known fact that Lyme disease is misdiagnosed most of the time. If Lyme disease is caught early, it can be cured within weeks, but if it is not caught early, it is going to take a long period of time to treat this, and it is long-term care, and we want to protect these doctors who are using the theory that long-term care is necessary.

The issue is now before us. I have letters from 170 people affected with Lyme disease who have been deprived, deprived insurance coverage. I have 123 phone calls from individuals with Lyme disease. And until you walked in somebody's shoes that has Lyme disease, you do not know what it is. I did for 15 months. I would not be here today if I would not have gotten long-term treatment, and that is why I am so interested and dedicated to seeing that these doctors are protected from individuals who have nothing to do and who disagree with the treatment that is being used, and yet it has been known to be a successful treatment.

I have 40 documented cases where this happened, and I ask that this not be held over until next week but be voted on today.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence. The minority whip requests that the gentleman from Allegheny County, Mr. RUFFING, be placed on leave. The Chair hears no objection.

CONSIDERATION OF HB 1977 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, on the motion to postpone.

Mr. COHEN. Thank you.

Madam Speaker, whatever happens in the House today, I think the odds on a bill that is opposed by the Pennsylvania Medical Society, by Blue Cross, by Highmark, by many people who are concerned about the whole structure of regulation of physicians in this State, actually becoming law are pretty slim.

I do not think that a delay of a few days is going to kill the bill. I think, if anything, it will strengthen the bill and give the Senate and the Governor something that they might actually support.

I think this is a pro-Lyme-disease motion. This is the earliest possible date we can consider the bill other than today. It is not meant to kill this bill. I urge support for the motion for postponement.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-91

Bebko-Jones	Frankel	Mann	Shaner
Belardi	Freeman	Markosek	Solobay
Belfanti	George	McCall	Staback
Biancucci	Gergely	McGeehan	Stetler
Bishop	Goodman	McNaughton	Sturla
Blaum	Grucela	Melio	Surra
Butkovitz	Gruitza	Mundy	Tangretti
Buxton	Haluska	Myers	Thomas
Caltagirone	Harhai	Oliver	Tigue
Casorio	Harper	Pallone	Travaglio
Cawley	Horsey	Petrarca	Veon
Cohen	James	Petrone	Vitali
Corrigan	Josephs	Pistella	Walko
Costa	Keller	Preston	Wansacz
Curry	Kirkland	Readshaw	Washington
Daley	Kotik	Rieger	Waters
DeLuca	LaGrotta	Roberts	Wheatley
Dermody	Laughlin	Roebuck	Williams
DeWeese	Leach	Rooney	Wojnaroski
Diven	Lederer	Sainato	Yewcic
Donatucci	Lescovitz	Samuelson	Youngblood
Eachus	Levdansky	Santoni	Yudichak
Fabrizio	Manderino	Scrimenti	

NAYS-104

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

NOT VOTING-0

EXCUSED-7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. On final passage, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

If I may interrogate the maker of the bill, I would appreciate that.

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

Ms. JOSEPHS. Thank you, Madam Speaker.

The State Board of Medicine, the Department of State, the administration, it would seem, has a role in this controversy. Can you tell me if any of those groups have commented on this bill, if they are aware of the implications of this bill, and if so, what their comments have been?

Mr. PHILLIPS. Yes; they are opposed to it. Current law does not regulate the practice—

Ms. JOSEPHS. I am sorry, Madam Speaker. I cannot really hear. You said they are opposed to it?

Mr. PHILLIPS. They are opposed.

Ms. JOSEPHS. Okay. So the Board of Medicine is opposed, the Medical Society is opposed, and the major health insurers in the region oppose this bill. Is that correct?

Mr. PHILLIPS. That is correct.

Ms. JOSEPHS. Blue Cross and Highmark?

Mr. PHILLIPS. That is correct.

Ms. JOSEPHS. Another question, if you will.

We are doing something, I think the gentleman from Philadelphia said, which is fairly unprecedented. I want to know if you know whether it is unprecedented. Are there other diseases for which and conditions for which experimental treatment or more effective treatment that does not meet the protocols can be offered by physicians and the physicians are then exempted from professional misconduct terms? Are there others? Is this unprecedented as a concept?

Mr. PHILLIPS. Madam Speaker, I could not hear the question on account of the noise. Would you repeat that again.

Ms. JOSEPHS. I would be happy to.

We are doing something here which seems to me to be unprecedented. We are saying that with respect to one disease, if physicians stray from the protocol, they cannot be disciplined, under certain circumstances — I understand you have certain circumstances — they cannot be disciplined by the Board of Medicine or by their professional organization. Are there other diseases? Have we done this before?

Mr. PHILLIPS. No, we have not.

Ms. JOSEPHS. All right.

So thank you. Thank you.

I would like to make a few statements, Madam Speaker.

The SPEAKER pro tempore. The lady may proceed.

Ms. JOSEPHS. Thank you.

First, I want to say, I have great sympathy for the maker of this bill and what he might have suffered. I do know people in my family who have suffered from Lyme disease long term and short term, and it is very miserable, and it is often very permanent, and it is nothing I would wish on my worst enemy. But that is also true of a whole number of conditions and diseases that are constantly misdiagnosed. HIV (human immunodeficiency virus) comes to mind right away.

Lupus comes to mind. And the gentleman from Philadelphia—Madam Speaker, could we have a little order? Madam Speaker?

The SPEAKER pro tempore. The lady is correct. It is very, very loud in here. Could we please quiet down. She does deserve to be heard.

Ms. JOSEPHS. Thank you, Madam Speaker.

I will try and be quick, Madam Speaker.

There are a lot of diseases that are misdiagnosed. There are a lot of conditions and diseases for which there are treatments that are not according to protocol. The gentleman from Philadelphia said this sets a dreadful precedent. I agree. I am not going to make any kind of motions. I am just going to simply say, I think this is a really bad idea. There were no hearings.

You know, very often we complain that we send bills to the Senate and they just ignore them. Well, this is a good excuse for that kind of behavior, and if we want to stand up as a House, as a credible one-half of one-third of this government, it appears to me we ought to reconsider this carefully.

I am sorry that all of the motions to go to hearings were defeated. I am voting “no.” I hope some other people who have been listening to this debate will join me.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Phillips, on final passage.

Mr. PHILLIPS. Madam Speaker, in this statement, I do not think it is for the Senate to decide what we are going to do here, and it is not for the previous speaker to decide what the Senate is going to do.

But just to make it clear, this is not a blanket exemption from liability. This is an exemption from complaints filed by insurance companies, pharmacy benefit managers, or comprehensive health-care plans pursuant to this act. A patient still can file a complaint, and that doctor is held responsible.

And “...the charges shall contain a statement of facts sufficient to allow a judicial determination as to whether the charges are proper under this section.” It is a judicial determination that will decide. There is no blanket exemption of these doctors, and that is a misconception of what has been spoken about earlier.

And “Whenever a notice...is served in which the charges or allegations against the licensee in whole or in part...,” they can have a hearing.

And I think another statement here that I will make is, we must remember that the insurance industry, who is carrying a tremendous surplus — and I have figures on that — always opposes increasing coverage. However, they have millions and millions of dollars, billions of dollars of revenue, while many people go untreated.

There is a tremendous problem with the treating of Lyme disease. Lyme disease is really growing throughout our State, and it is a debilitating disease. I know two young men in my district, know them very well, sophomores in high school, both of them, both of them, one in a wheelchair and one using a cane, in 2 years. One played football in his senior year, and the other is valedictorian of his class, and yet the treatment and insurance and the payments were not available, and this was out of pocket, out-of-pocket expense, to the parents, and this is wrong.

I think that we have to make this available for those who have this disease. It is a dreaded disease, it is a misdiagnosed disease, and I believe this is necessary that this bill pass.

Thank you very much.

One more thing, Madam Speaker.

The medical community is divided on the treatment. That is why you have the one State group opposing it. They are just divided how this treatment should take place. But I think we have to be concerned about those who are afflicted with Lyme disease, a disease that is growing throughout our State, and this is the first step forward.

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—117

Allen	Feese	Maher	Santoni
Argall	Fichter	Maitland	Sather
Armstrong	Fleagle	Major	Saylor
Baker	Forcier	Markosek	Scavello
Bard	Frankel	Marsico	Scrimenti
Barrar	Gannon	McCall	Semmel
Bebko-Jones	Geist	McIlhattan	Smith, B.
Belardi	George	McIlhinney	Staback
Belfanti	Gingrich	Millard	Stairs
Benninghoff	Godshall	Miller, R.	Steil
Boyd	Good	Miller, S.	Stern
Browne	Grucela	Mundy	Stevenson, R.
Bunt	Gruitza	Mustio	Stevenson, T.
Buxton	Habay	Myers	Surra
Caltagirone	Harhart	Nickol	Taylor, E. Z.
Cappelli	Harris	O'Brien	Taylor, J.
Causar	Hasay	Oliver	True
Cawley	Hennessey	O'Neill	Veon
Clymier	Herman	Payne	Wansacz
Coleman	Hershey	Petrone	Waters
Cornell, S. E.	Hess	Phillips	Wheatley
Creighton	Horsey	Pickett	Wilt
Dally	Hutchinson	Preston	Wojnaroski
DeLuca	Keller	Raymond	Wright
Denlinger	Kenney	Reed	Yewcic
DeWeese	Laughlin	Rieger	Zug
DiGirolamo	Leach	Roberts	
Diven	Lederer	Rohrer	
Egolf	Leh	Rooney	Perzel,
Fairchild	Mackereth	Rubley	Speaker

NAYS—68

Adolph	Eachus	Lescovitz	Samuelson
Baldwin	Fabrizio	Levdansky	Shaner
Biancucci	Flick	Manderino	Solobay
Bishop	Freeman	Mann	Stetler
Blaum	Gabig	McGeehan	Sturla
Butkovitz	Gergely	McNaughton	Tangretti
Casorio	Gillespie	Melio	Thomas
Civera	Goodman	Metcalfe	Tigue
Cohen	Haluska	Micozzie	Travaglio
Corrigan	Harhai	Pallone	Turzai
Costa	Harper	Petrarca	Vance
Crahall	Hickernell	Petri	Vitali
Curry	James	Pistella	Walko
Dailey	Josephs	Readshaw	Washington
Daley	Killion	Reichley	Williams
Dermody	Kotik	Roebuck	Youngblood
Donatucci	LaGrotta	Sainato	Yudichak

NOT VOTING—10

Bastian	Kirkland	Ross	Smith, S. H.
Birmelin	Lewis	Schroder	Watson
Evans, J.	McGill		

EXCUSED—7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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. Smith, please come to the rostrum.

* * *

The House proceeded to third consideration of **HB 2432, PN 4500**, 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 program of continuing professional education.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. On this question, the Chair recognizes the gentleman from Franklin County, Mr. Fleagle, for the purpose of an amendment.

Mr. FLEAGLE. Thank you, Madam Speaker.

Madam Speaker, this amendment, which is not up on the board and which does not have to be up on the board, Madam Speaker, if you will bear with me.

The amendment that I was going to run to this bill dealt with public school districts negotiating a tuition charge with a cyber charter school. I have been working on this particular subject for over a year now, and it would allow public school systems to negotiate with a cyber charter school or virtual education provider and seal in the cost of providing that. I think that would save a lot of money for our public schools, and I truly believe in this concept, and we will be seeing this hopefully as a bill here before sine die is over.

But in light of the fact that my colleague, Representative Saylor, has an excellent bill, I think, in 2432 and time is running short, I certainly do not want to crowd the issue by bringing up my subject in this bill, so I will be withdrawing this amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It is the understanding of the Chair that the other amendments to this bill have been withdrawn.

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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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

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

RULES SUSPENDED

The SPEAKER pro tempore. Turning to page 5 of today's calendar, the Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Madam Speaker, I move that the rules of the House be suspended in order to immediately consider HB 2978, PN 4637.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali. This is not a debatable motion, sir. This is a motion to suspend. Only the leaders can be recognized on a motion to suspend.

Mr. VITALI. I was just doing a parliamentary inquiry, but okay; fine.

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

The following roll call was recorded:

YEAS—195

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

Daley	Kenney	Readshaw	Williams
Dally	Killion	Reed	Wilt
DeLuca	Kirkland	Reichley	Wojnaroski
Denlinger	Kotik	Rieger	Wright
Dermody	LaGrotta	Roberts	Yewcic
DeWeese	Laughlin	Roebuck	Youngblood
DiGirolamo	Leach	Rohrer	Yudichak
Diven	Lederer	Rooney	Zug
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rublely	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2978, PN 4637**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expenses for district justices; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on final passage.

Mr. COHEN. Thank you.

Madam Speaker, I think this is a meritorious bill, but we have not had time to caucus on this this morning. Would the gentleman explain what this bill does.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wayne County, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Madam Speaker.

This is a very simple bill. We currently have a situation in which district justices who are temporarily reassigned to another district justice seat, where they have to cover for them in case of illness or whatever, are currently locked in by legislation as only being reimbursed at 17 cents per mile for their actual travel costs. My legislation would do away with that 17-cent number and would instead insert the fact that they would get whatever the maximum mileage rate is that the Federal government gets,

and right now that rate is 37 1/2 cents, so that you can see there is a big difference between what they are able to get now and what they would get, and we would never have to change it again, hopefully, if this becomes law.

Obviously, with the price of gas and all of the other expenses of traveling today, they are actually losing money when they are assigned to cover for someone else, so this would solve that problem now and in the future so that we would not have to address it again.

Mr. COHEN. Thank you, Madam Speaker.

I think this is a worthwhile piece of legislation, and I urge support of it.

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-185

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

NAYS-10

Browne	Harhart	Metcalf	Reichley
Dally	Herman	Reed	Turzai
Forcier	Hutchinson		

NOT VOTING-0

EXCUSED-7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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.

HB 1977 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion by Representative Ross, who moves that the vote by which HB 1977, PN 3595, was passed on the 10th day of November be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-195

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

Curry	Josephs	Preston	Watson
Dailey	Keller	Raymond	Wheatley
Daley	Kenney	Readshaw	Williams
Dally	Killion	Reed	Wilt
DeLuca	Kirkland	Reichley	Wojnaroski
Denlinger	Kotik	Rieger	Wright
Dermody	LaGrotta	Roberts	Yewcic
DeWeese	Laughlin	Roebuck	Youngblood
DiGirolamo	Leach	Rohrer	Yudichak
Diven	Lederer	Rooney	Zug
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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

RULES SUSPENDED

The SPEAKER pro tempore. Turning to page 4 of today's calendar, the Chair recognizes the gentleman, Mr. Smith, for the purpose of a motion.

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

I make a motion to suspend the rules for the immediate consideration of HB 2155 and only amendment 4607.

The SPEAKER pro tempore. Would the gentleman please repeat your motion.

Mr. B. SMITH. I ask for immediate suspension of the rules to consider HB 2155 and only amendment 4607.

I am sorry. Amendment 4650. I apologize, Madam Speaker.

The SPEAKER pro tempore. I believe that the correct amendment is 4607. The number that you just stated was the printer's number.

Mr. B. SMITH. That is correct, Madam Speaker. We finally got it right.

The SPEAKER pro tempore. The gentleman moves that the rules of the House be suspended in order to offer HB 2155, PN 4650, with amendment No. 4607 only.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Does the gentleman, Mr. Staback, wish to be recognized?

Mr. STABACK. Yes, Madam Speaker.

The SPEAKER pro tempore. This is a nondebatable motion. This is only a motion to suspend, or are you speaking for your leadership, sir?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

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

NAYS—3

Casorio	Levdansky	Metcalfe
---------	-----------	----------

NOT VOTING—0

EXCUSED—7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2155, PN 4650**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for auditing and reporting; and further providing for classes of fishing licenses, permits related to fishing, fishing license fees and boat registration fees.

On the question,

Will the House agree to the bill on third consideration?

Mr. B. SMITH offered the following amendment No. **A4607**:

Amend Sec. 3 (Sec. 2702.1), page 3, line 15, by striking out "or 2701.1 (relating to junior fishing license)"

Amend Sec. 4 (Sec. 2703), page 4, line 1, by striking out the bracket before "16"

Amend Sec. 4 (Sec. 2703), page 4, line 1, by striking out "[12"

Amend Sec. 4 (Sec. 2715), page 4, line 28, by striking out all of said line

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from York County, Mr. Smith.

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

Amendment 4607 is a technical amendment. In the bill itself, we had originally had a junior fishing license. That was eliminated, and in the printing of the bill, there were some mistakes made relating to the junior license, even though it had been eliminated by previous amendment.

The **SPEAKER** pro tempore. Could we please have some order, please. They cannot find the bill on the system, so we are going to have to be able to hear you. They tell us it is now on the system. Thank you. You may proceed. Sorry for the interruption.

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

Amendment 4607 is really a technical amendment, correcting some omissions in the bill, one of which allowed some reference to a junior license, which we eliminated by amendment in committee.

I ask members to vote in favor of amendment 4607.

The **SPEAKER** pro tempore. On the amendment, the Chair recognizes the gentleman from Delaware County, Mr. Vitali. The gentleman waives off.

The Chair recognizes the gentleman from Lackawanna County, Mr. Staback, on the amendment.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I rise to concur with the comments of the previous speaker. I would also ask for a favorable vote on the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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?

The SPEAKER pro tempore. Does the gentleman, Mr. Levdansky, wish to be recognized?

Mr. LEVDANSKY. On final passage, Madam Speaker.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER 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, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Madam Speaker.

Madam Speaker, just a few votes ago, we made a vote that essentially knocked out amendments that had been filed to this bill. I had several amendments filed to the bill, and my amendments would have dealt with a couple of issues relevant to this particular piece of legislation that I think are important.

This bill raises fishing license fees and boating registration fees in Pennsylvania that will affect all of our anglers and boaters. These kinds of bills relative to fees for the Game and Fish Commissions do not happen very often. When they do, it affords members of this General Assembly an opportunity to air some issues and offer amendments.

Madam Speaker, I respect immensely the work that Representative Bruce Smith and Representative Ed Staback have done on this issue, working in a bipartisan fashion, but, Madam Speaker, essentially what we did is to say that the will and the decision of the committee shall supersede the will of the majority here on the floor of the House of Representatives and we cannot offer amendments. I think that sets a dangerous precedent that I would hope that we do not repeat and engage in these kinds of parliamentary maneuvers to stifle debate, because what are we if we do not debate issues?

Madam Speaker, there are two things about this bill that I think are especially problematic. I recognize the need to raise license fees and boating registration fees to provide the Fish and Boat Commission with the revenue necessary to upgrade their infrastructure and to maintain their operations. There is no doubt about that need and the wisdom of doing this. But, Madam Speaker, this bill does something that this legislature has never done. This bill dedicates revenue for a specific waterway in the Commonwealth. It sets up a Lake Erie stamp and dedicates a portion of that revenue for improvements, access and whatnot, to Lake Erie.

I do not disagree that Lake Erie is a very unique waterway in the Commonwealth, but what I object to, what I object to, is us and the legislature deciding that we are going to earmark money for a specific waterway in the Commonwealth. We do not do that anywhere else. We have always let it up to the judgment of the board of commissioners of the Fish and Boat Commission to make that decision on where to allocate dollars to purchase public access, to make capital improvements, to provide for more fishing and boating opportunities for Pennsylvanians. We have always deferred to the commissioners to make that call. But what this bill does is earmark money for one particular waterway.

Now, if you are all for doing that, if you are all for earmarking and you think that makes sense, I was prepared to offer a couple of amendments that would move along in that direction. For example, the Allegheny River, the Fish and Boat Commission derives almost \$1 million a year in revenue from sand and gravel dredging permits on the Allegheny River. Now, if the Fish and Boat Commission is going to get \$1 million a year in royalties from that dredging revenue, why should that money not be dedicated to the Allegheny River watershed? Is the Allegheny River watershed not just as important as Lake Erie is in the Commonwealth of Pennsylvania? I think so.

The second proposal I was prepared to offer was a shad permit. You know, the restoration of shad is the reason why the Fish and Boat Commission was created 100 or so years ago. They have not accomplished that mission yet. Shad have not been fully restored to the Susquehanna and the Delaware River basins. Perhaps we should have a shad stamp and use the revenue from that to improve the shad fisheries and opportunities in the Delaware and Susquehanna Rivers.

The point that I am making, Madam Speaker, is, if it is okay to dedicate revenue for Lake Erie, why is it not okay to dedicate revenue from a funding source derived from the Allegheny River and require those revenues to be plowed back and spent back into the Allegheny River watershed? So I think that this bill establishes a very dangerous precedent in that regard.

Madam Speaker, the second problem that I have with the bill: When the bill was first introduced, it provided for a \$2 youth fishing license — \$2. That would have enabled the Fish and Boat Commission to draw down \$3 per person in Federal reimbursement funds; have youth anglers from age 12 to 16 buy a fishing license for 2 bucks and enable that revenue to qualify to draw down additional Federal revenue to be invested in the programs and operations of the Fish and Boat Commission. It makes a lot of sense, Madam Speaker.

Now, an amendment was offered in committee to strip that \$2 youth fishing license out of the bill. I mean, just think about that for a second. We require young Pennsylvanians from age 12 to 16, if they want to hunt, they have got to buy a youth hunting license. Would it not make sense to have kids purchase a fishing license for \$2, to be part of a system, to make a contribution to fisheries management in the Commonwealth? Would that not make a lot of sense to do that?

And if anyone thinks \$2 is so onerous, just check how much your kids spend when they go to see a movie. For admission and a soda and a popcorn and some candy, 20 bucks a head for a kid for one movie is not farfetched.

So \$2 for young people to become part of a system, to be responsible, and enable Pennsylvania to draw down more Federal revenues to spend on the operations of the Fish and Boat Commission made a lot of sense.

Madam Speaker, I cannot offer those amendments because of a parliamentary maneuver that we undertook, and while I do respect these two chairmen immensely, I just think that stifling debate on the floor of the House is not what democracy is all about.

Notwithstanding that, I am going to vote for the bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Berks County, Mrs. Miller, on final passage.

Mrs. MILLER. Thank you, Madam Speaker.

Yesterday when this legislation was considered in the House Game and Fisheries Committee, I was a "no" vote on this bill for very specific reasons.

For the past 4 years, I have been asking the Fish and Boat Commission to respond to some of the concerns of Berks County's boating community. Specifically, Madam Speaker, the boating community has been asking for attention to putting in a new boat launch at Kernsville Dam, located just north of the borough of Hamburg, because DEP (Department of Environmental Protection) closed the one that was previously used to launch boats. They are concerned about a hazard there. I fully understand; we do not want to put boaters at risk. However, for the boating community's safety, another proper boat launch should have been established as quickly as possible so that people are not jeopardizing their safety and performing something illegal by continuing to try and launch their boats from that existing facility.

Secondly, Madam Speaker, I have raised to the Fish and Boat Commission's attention the problem that we are having at Felix Dam because of the fact that an existing dam has washed out. Granted, the authority over that dam is with the Department of Environmental Protection. However, the Fish and Boat Commission does have an area that is in conjunction with that, and I would hope that they would cooperate with the Department of Environmental Protection in, number one, looking into restoring that as a significant boating area in Berks County, and also having the existing site maintained and hopefully improved, because right now it is not being taken care of by the Fish and Boat Commission.

I appreciate the fact that the Fish and Boat Commission has significant expenses that they are hoping that the boating and fishing community is going to help to take care of through this license fee increase. However, I am hoping that with this increase, the commissioners, especially the commissioner who spoke to me after yesterday's meeting, Commissioner Czop, and Dr. Austen, will continue to work with the boating community of Berks County to take care of their concerns and to work with us legislators who are contacting them and asking for their attention.

Responsiveness by the Fish and Boat Commission goes hand in hand with coming to the legislature and asking for our support. I am asking for the Fish and Boat Commission's support in addressing the concerns of the boaters of Berks County.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Cambria County, Mr. Haluska, on final passage.

Mr. HALUSKA. Thank you, Madam Speaker.

Madam Speaker, what upsets me about this fishing license increase along with the boater registration increase, we have sort of put on the back shelf the problems we have at our hatcheries and the problems that we have at our dams. We have somewhere between a \$70 to \$90 million problem with the Fish and Boat Commission. At the same time, we have sort of shelved those interests, and this money is not going to do anything as far as approach those problems. A little bit of it may go to pay some of the bond interest that we have for some of the improvements they had made at some of the hatcheries, but that is less than 10 percent of the problem that they have out there.

As we move forward, we are going to raise rates for a trout stamp, but yet we have not even addressed how we are going to raise the trout and how we are going to put them in the streams. In my county, in Cambria County, a lot of my people fish at Lake Erie, so they are now going to have to buy a special stamp to fish the tributaries or the lake. They are going to spend an \$8 stamp there. We are going to increase the cost of their trout stamp, increase the cost of their general fishing license. We are also going to increase the cost of their boat registration, and we really have not taken account of what we are going to do with the major problems that we have in the Fish Commission as far as our hatcheries and our dams.

So therefore, I will be a negative vote.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lackawanna, Mr. Staback, on final passage.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I rise in full support of HB 2155.

Chairman Smith and I had met and consulted and talked for several months with not only the Pennsylvania Fish and Boat Commission but with sportsmen's groups, anglers, concerned members of the General Assembly. For nearly an entire decade, the Pennsylvania Fish and Boat Commission has received no increased revenues from general license sales. For well over a decade, no money has come in from boat registrations and trout stamps. For over 13 years, those revenues have remained the same.

Madam Speaker, like any other agency or private sector company, corporation, or any household, for that matter, the Fish Commission has not been able to escape the rising cost of doing business on a daily basis. The simple truth is that after doing without any fee increase for so long, they simply need additional revenues and they need them now.

Importantly, HB 2155 is not a temporary fix. It is designed to meet the financial needs of the commission for the next 5 to 7 years.

Additionally, I might add that part of the money that is going to be generated will indeed go back to help pay for a \$13 million capital loan, money that is used currently to help offset the expenses that the commission incurred in helping them to resolve their infrastructure problems.

Madam Speaker, this is a good bill, it is a bipartisan bill, and I ask for a "yes" vote on final passage.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northumberland, Mr. Phillips, on final passage.

Mr. PHILLIPS. Thank you, Madam Speaker.

I am here to support the bill that is before us. I think it is very important that we do that. And I want to congratulate Chairman Smith and Chairman Staback for the efforts that they put in in doing research, speaking with the Fish Commission, and realizing the problems that the Fish Commission has financially, and I certainly do not want to see next year any of the programs cut because they do not have the money.

In 1999 we had the trout stamp, and there has been no increase ever since. Nineteen ninety-six was the last time that we increased the fish license.

They are not any different than any other organization as far as running the commission. As you know, expenses go up, and we have to keep up with the expenses that they incur. This is

very, very important to our fishermen. I have traveled the State. I have talked to many fishermen and those who purchase the license, and they are very, very supportive of this license increase, because they want to see the Fish Commission go forward, and so should every member that is in this House, and therefore, I would ask for an affirmative vote.

Thank you.

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

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

I will be brief.

First of all, I am very proud of HB 2155. Chairman Staback and I worked closely with sportsmen's organizations, and as a matter of fact, any members that want a list of the 20 sportsmen's organizations that have gone on record in favor of HB 2155, I would be glad to supply you with a copy of it. Included in that list is the Governor's Advisory Council for Hunting, Fishing, and Conservation.

As a matter of fact, HB 2155 is the result of a number of sportsmen's organizations meeting and coming up with this proposal. We had a hearing on HB 2155, and every organization that testified, testified in favor of HB 2155.

The bottom line is that the Fish and Boat Commission is in terrible financial condition. They desperately need this increase.

We eliminated the junior license unanimously in committee, because we on the committee heard nothing but criticism, mostly criticism, about establishing the junior license.

The Lake Erie stamp is not a first time for the Lake Erie stamp. We had it before to eliminate the gill nets. We are reinstituting it, and the Fish and Boat Commission is going to use it to purchase lands in the watershed of Lake Erie. I think it is a very important issue, but you should be aware, it is not a first time.

The Game and Fisheries Committee is the most knowledgeable on the issue of the condition of the Fish and Boat Commission and their financial needs. The committee voted 19 to 4 on Monday in favor of this bill.

The Fish and Boat Commission has new leadership under Dr. Austen. I think you will be impressed with him. I think that you will be impressed with the future of the Pennsylvania Fish and Boat Commission, and I urge that you vote in favor of HB 2155.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bedford, Mr. Hess, on final passage.

Mr. HESS. Thank you, Madam Speaker.

I rise to support 2155.

This bill is very much needed. I have served on this committee for over 16 years. I am not presently on it, but I know the needs of the Fish Commission. I have visited many of the hatcheries and have seen the amount of work that needs to be done, and I have seen the amount of regulations that DEP has placed upon the Fish Commission, which has cost them many, many, many millions of dollars. We have to keep up with the times. Our sportsmen deserve a good fish hatchery to produce good, solid fish. We cannot buy these fish otherwise, but we can raise them here because we do have quality fish hatcheries.

In my particular district, we have a great hatchery. That hatchery has not had anything done to it for probably 25 years,

simply because the Fish and Boat Commission has not had the money to do so. Hopefully some of this money will be able to be used to bring that hatchery up to snuff, so to speak. We have the quality water. We have the quality workers. I think they just need the funding now to put this in place for the sportsmen, and I would ask for your vote.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—161

Adolph	Frankel	Manderino	Schroder
Allen	Freeman	Markosek	Semmel
Argall	Gabig	Marsico	Shaner
Armstrong	Gannon	McCall	Smith, B.
Baldwin	Geist	McGeehan	Smith, S. H.
Barrar	George	McGill	Solobay
Bastian	Gergely	McIlhattan	Staback
Bebko-Jones	Gillespie	McIlhinney	Stairs
Belardi	Gingrich	McNaughton	Steil
Biancucci	Godshall	Melio	Stern
Birmelin	Good	Micozzie	Stetler
Bishop	Grucela	Millard	Stevenson, R.
Blauum	Gruitz	Miller, R.	Stevenson, T.
Boyd	Harhai	Mundy	Sturla
Bunt	Harper	Mustio	Surra
Butkovitz	Harris	Myers	Tangretti
Buxton	Hasay	Nickol	Taylor, E. Z.
Caltagirone	Hennessey	O'Brien	Taylor, J.
Causer	Herman	Oliver	Thomas
Civera	Hershey	O'Neill	Tigue
Clymer	Hess	Payne	Travaglio
Cohen	Hickemell	Petri	Truc
Cornell, S. E.	Horse	Petrone	Vance
Corrigan	James	Phillips	Veon
Costa	Josephs	Pickett	Vitali
Crahalla	Keller	Pistella	Walko
Curry	Kenney	Preston	Wansacz
Dailey	Killion	Raymond	Washington
Daley	Kirkland	Readshaw	Waters
DeLuca	Kotik	Rieger	Watson
Denlinger	LaGrotta	Roberts	Wheatley
DeWeese	Laughlin	Roebuck	Williams
DiGirolamo	Leach	Rohrer	Wilt
Diven	Lederer	Rooney	Wojnaroski
Donatucci	Leh	Ross	Wright
Evans, J.	Lescovitz	Ruble	Youngblood
Fabrizio	Levdansky	Sainato	Yudichak
Fairchild	Lewis	Santoni	
Fichter	Mackereth	Sather	
Fleagle	Maitland	Saylor	Perzel,
Flick	Major	Scavello	Speaker

NAYS—34

Baker	Creighton	Haluska	Petrarca
Bard	Dally	Harhart	Reed
Belfanti	Dermody	Hutchinson	Reichley
Benninghoff	Eachus	Maher	Samuelson
Browne	Egolf	Mann	Scrimenti
Cappelli	Feese	Metcalfe	Turzai
Casorio	Forcier	Miller, S.	Yewcic
Cawley	Goodman	Pallone	Zug
Coleman	Habay		

NOT VOTING—0

EXCUSED—7

Cruz	Hanna	Nailor	Weber
Evans, D.	Lynch	Ruffing	

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.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who requests that the lady from Beaver be put on the leave list for the remainder of the day, Mrs. LAUGHLIN. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Mario Scavello, the Pocono Mountain School District Student Community Enrichment Activity Program's choir. The choir gave a great performance earlier today in the Main Capitol rotunda. The choir is conducted by Meredith Lamm and assisted by Norma Gonzales. All guests are seated in the gallery. Would they please rise.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of HB 1977, PN 3595, entitled:

An Act providing for lyme and related tick-borne disease diagnosis and treatment, for denial, revocation or suspension of license or discipline of treating physicians and doctors of osteopathy and for professional misconduct proceedings.

On the question recurring,
Shall the bill pass finally?

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

Mr. VITALI. Thank you, Madam Speaker.

I just wanted to remind the members that this is the bill with regard to Lyme disease and doctors and misconduct actions that drew a lot of debate and controversy. I think perhaps one reason why it was being reconsidered is because some members may not have been able to put their switch in the right spots when the vote was taken.

So I just wanted to pause and let members know that this is that controversial bill.

The SPEAKER pro tempore. On final passage, the Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Madam Speaker.

Let us make this perfectly clear on the discussion we had on this bill: This bill does not prohibit filing of a complaint against a physician treating for Lyme disease. It does not prohibit the

board from taking disciplinary action against a physician treating Lyme disease. It does not prohibit a patient from filing a complaint. The provision of the bill does not affect complaint proceedings filed by patients.

What this bill does do, very specifically, is sets parameters only when a complaint is filed by an insurance company, pharmacy benefit manager, or comprehensive health plan. It creates a procedure that a copy of the complaint shall be issued to the physician; complaint must contain a statement of facts sufficient to determine whether charges are proper; notice of hearing for complaint shall identify any experts called to testify or consult and shall contain the substance of the opinion of the expert.

This is what the bill does, so we have that clear.

Thank you, and I ask for an affirmative vote.

The SPEAKER pro tempore. On final passage, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

I will be brief.

Remember, we debated all this. Just make sure that you are aware that this is a very controversial bill before we just go down without any thought.

Thank you, Madam Speaker.

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-109

Allen	Egolf	Major	Rubley
Argall	Fairchild	Marsico	Sather
Baker	Feese	McCall	Saylor
Bard	Fichter	McGeehan	Scavello
Barrar	Fleagle	McGill	Scrimenti
Bastian	Forcier	McIlhattan	Semmel
Belardi	Frankel	McIlhinney	Smith, B.
Belfanti	Gannon	Millard	Smith, S. H.
Benninghoff	Geist	Miller, R.	Staback
Biancucci	Gingrich	Miller, S.	Stairs
Birmelin	Godshall	Mundy	Steil
Bishop	Good	Mustio	Stern
Blaum	Grucela	Nickol	Stevenson, R.
Bunt	Gruitza	O'Brien	Stevenson, T.
Cappelli	Harhart	Oliver	Surra
Causar	Harris	O'Neill	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Coleman	Hennessey	Petrone	Veon
Cornell, S. E.	Herman	Phillips	Wansacz
Corrigan	Hershey	Pickett	Watson
Costa	Hess	Pistella	Wheatley
Crahalla	Hutchinson	Preston	Wilt
Dally	Kenney	Reed	Wright
DeLuca	Leach	Rieger	Zug
Denlinger	Leh	Roberts	
DeWeese	Lewis	Rohrer	
DiGirolamo	Mackereth	Rooney	Perzel,
Diven	Maitland	Ross	Speaker

NAYS-84

Adolph	Fabrizio	Lescovitz	Schroder
Armstrong	Flick	Levdansky	Shaner
Baldwin	Freeman	Maher	Solobay
Bebko-Jones	Gabig	Manderino	Stetler
Boyd	Gergely	Mann	Sturla

Browne	Gillespie	Markosek	Tangretti
Butkovitz	Goodman	McNaughton	Thomas
Buxton	Habay	Melio	Tigue
Caltagirone	Haluska	Metcalfe	Travaglio
Casorio	Harhai	Micozzie	True
Cawley	Harper	Myers	Turzai
Civera	Hickernell	Pallone	Vance
Cohen	Horse	Petrarca	Vitali
Creighton	James	Petri	Walko
Curry	Josephs	Raymond	Washington
Dailey	Keller	Readshaw	Waters
Daley	Killion	Reichley	Williams
Dermody	Kirkland	Roebuck	Wojnaroski
Donatucci	Kotik	Sainato	Yewcic
Eachus	LaGrotta	Samuelson	Youngblood
Evans, J.	Lederer	Santoni	Yudichak

NOT VOTING-1

George

EXCUSED-8

Cruz	Hanna	Lynch	Ruffing
Evans, D.	Laughlin	Nailor	Weber

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

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

VOTE CORRECTION

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

Mr. GEORGE. Madam Speaker, I missed that vote. I had voted in the affirmative the first time, and if I had been there, I would have voted affirmatively this time, if you would let the record show that.

The SPEAKER pro tempore. The Chair thanks the gentleman. Your remarks will be spread upon the record.

RESOLUTIONS PURSUANT TO RULE 35

Mr. WATERS called up **HR 908, PN 4595**, entitled:

A Resolution recognizing the dangers of minors entering Internet chat rooms and the need for parents and caregivers to properly supervise the online activity of their children.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Cruz	Hanna	Lynch	Ruffing
Evans, D.	Laughlin	Nailor	Weber

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

* * *

Mrs. FORCIER called up **HR 909, PN 4596**, entitled:

A Resolution approving the Association of Independent Colleges and Universities of Pennsylvania as a LORL participating organization, effective January 1, 2005, for the purposes of House Resolution No. 155 of 1982.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Cruz	Hanna	Lynch	Ruffing
Evans, D.	Laughlin	Nailor	Weber

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

* * *

Mr. LEWIS called up **HR 910, PN 4597**, entitled:

A Resolution commending Monroe County as Pennsylvania's first "Heart Safe County" on December 2, 2004.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Cruz	Hanna	Lynch	Ruffing
Evans, D.	Laughlin	Nailor	Weber

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

* * *

Mr. LEWIS called up **HR 911, PN 4598**, entitled:

A Resolution designating December 5, 2004, as "Safe80 Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Cruz	Hanna	Lynch	Ruffing
Evans, D.	Laughlin	Nailor	Weber

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Fleagle, for the purpose of an Appropriations meeting announcement.

Mr. FLEAGLE. Thank you, Madam Speaker.

The Appropriations Committee will meet upon the call of the recess in room 245.

The SPEAKER pro tempore. The gentleman announces a meeting of the Appropriations Committee at the call of the recess in room 245.

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 both a formal caucus and informal discussions at the call of the recess.

The SPEAKER pro tempore. Sir, is 1 hour sufficient?

Mr. COHEN. I believe it will be, Madam Speaker.

The SPEAKER pro tempore. Thank you.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Mr. Herman, for the purpose of a committee announcement.

Mr. HERMAN. Thank you, Madam Speaker.

There is going to be an immediate meeting of the House Local Government Committee in the rear of the chamber upon the break.

The SPEAKER pro tempore. The gentleman announces a meeting of the Local Government Committee at the call of the recess at the rear of the hall.

There will be no further votes. We will recess until 2:15; 2:15.

The Chair recognizes the gentleman from Bucks County, Mr. Clymer, for the purpose of an announcement.

Mr. CLYMER. Thank you, Madam Speaker.

Madam Speaker, what I wanted to clarify is that there have been some amendments added to SB 1209 and whether or not it was important for us to caucus on those amendments. Unless we have someone who is going to be able to explain those amendments on the floor of the House, these amendments have come in late, and I think a caucus may have been required, but since we have left, why—

The SPEAKER pro tempore. The Chair is not in the position to make that decision.

Mr. CLYMER. Okay.

The SPEAKER pro tempore. You will need to talk to your leadership.

Mr. CLYMER. Thank you.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that HB 2844 and HB 970 be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON SECOND CONSIDERATION

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

HB 2844, PN 4660; and HB 970, PN 1140.

BILLS RECOMMITTED

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

Mr. S. SMITH. Madam Speaker, I move that HB 2844 and HB 970 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECESS

The SPEAKER pro tempore. The House now stands in recess until 2:15; 2:15.

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence, and the majority whip requests a leave of absence for the gentleman from Armstrong, Mr. COLEMAN, for the remainder of the day. The Chair hears no objection.

BILLS REREPORTED FROM COMMITTEE

HB 970, PN 1140

By Rep. ARGALL

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

APPROPRIATIONS.

HB 2301, PN 3200

By Rep. ARGALL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the schedule of compensation.

APPROPRIATIONS.**LEAVE OF ABSENCE**

The SPEAKER pro tempore. The Chair returns to leaves of absence. The majority whip requests that the gentleman from York County, Mr. SAYLOR, be put on leave for the remainder of the day. The Chair hears no objection.

Would members please report to the floor of the House. We are about to begin voting.

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1720, PN 4240**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for delegation of functions necessary for the support of nursing services.

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—192

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

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

NAYS—0**NOT VOTING—0****EXCUSED—10**

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 1723, PN 4241**, entitled:

An Act amending the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, providing for the delegation of functions.

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-188

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

NAYS-4

Grucela	Harhai	Shaner	Travaglio
---------	--------	--------	-----------

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 2862, PN 4445**, entitled:

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions.

On the question,

Will the House agree to the bill on third consideration?

Mr. **SEMME** offered the following amendment No. **A4325**:

Amend Sec. 1 (Sec. 1), page 2, line 25, by inserting after "utility,"

electric power generation facility.

On the question,

Will the House agree to the amendment?

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

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

Basically, amendment 4325 would also protect certain electric power generation facility records from disclosure. Due to deregulation, these powerplants do not fall under the current definition of "public utilities." This is an agreed-to amendment with the prime sponsor.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-192

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

Cohen	Herman	Petrarca	Veon
Cornell, S. E.	Hershey	Petri	Vitali
Corrigan	Hess	Petrone	Walko
Costa	Hickernell	Phillips	Wansacz
Crahalla	Horsey	Pickett	Washington
Creighton	Hutchinson	Pistella	Waters
Curry	James	Preston	Watson
Dailey	Josephs	Raymond	Wheatley
Daley	Keller	Readshaw	Williams
Dally	Kenney	Reed	Wilt
DeLuca	Killion	Reichley	Wojnaroski
Denlinger	Kirkland	Rieger	Wright
Dermody	Kotik	Roberts	Yewcic
DeWeese	LaGrotta	Roebuck	Youngblood
DiGirolamo	Leach	Rohrer	Yudichak
Diven	Lederer	Rooney	Zug
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	
Egolf	Levdansky	Sainato	Perzel,
Evans, J.	Lewis		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

The SPEAKER 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-192

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

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

* * *

The House proceeded to third consideration of **HB 2883, PN 4457**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for person entitled to letters of administration.

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

Mr. **FLEAGLE** offered the following amendment No. **A4370**:

Amend Title, page 1, line 3, by removing the period after "administration" and inserting

and for advance directives for health care.

Amend Bill, page 2, by inserting between lines 25 and 26 Section 2. Section 5402(a) of Title 20 is amended to read:

§ 5402. Legislative findings and intent.

(a) Findings.—The General Assembly finds that all competent adults have a qualified right to control decisions relating to their own medical care. This right is subject to certain interests of society, such as the maintenance of ethical standards in the medical profession and the preservation and protection of human life. Modern medical technological procedures make possible the prolongation of human life beyond natural limits. The application of some procedures to an individual suffering a difficult and uncomfortable process of dying may cause loss of patient dignity and secure only continuation of a precarious and burdensome prolongation of life. A registry of advance health care directives, accessible by all physicians, furthers a competent adult's right to control medical decisions.

Section 3. Section 5403 of Title 20 is amended by adding a definition to read:

§ 5403. Definitions.

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

"Department." The Department of Health of the Commonwealth.

Section 4. Section 5404 of Title 20 is amended by adding a subsection to read:

§ 5404. Declaration.

(e) Advance health care directive registry.—

(1) The department shall establish an advance health care directive registry containing the information in any declaration submitted pursuant to paragraph (2).

(2) A declarant may provide a declaration to the department for inclusion in the advance health care directive registry.

(3) Information in the registry shall be made available to attending physicians on a 24-hour basis, including access by electronic means.

(4) Information in the registry shall be protected from public access, shall only be accessible to physicians and shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

Section 5. Sections 5405 and 5406(b) of Title 20 are amended to read:

§ 5405. When declaration becomes operative.

(a) General rule.—A declaration becomes operative when:

(1) a copy is:

(i) provided to the attending physician; or

(ii) obtained from the registry established in section 5404(e) (relating to declaration); and

(2) the declarant is determined by the attending physician to be incompetent and in a terminal condition or in a state of permanent unconsciousness.

When the declaration becomes operative, the attending physician and other health care providers shall act in accordance with its provisions or comply with the transfer provisions of section 5409 (relating to unwillingness to comply; transfer of declarant).

(b) Duty of attending physician.—An attending physician shall make a reasonable effort to determine if a patient has executed a declaration. An attending physician shall be presumed to have made a reasonable effort if he has contacted the registry established in section 5404(e).

§ 5406. Revocation.

(b) Medical record.—The attending physician or other health care provider shall make the revocation a part of the declarant's medical record[,] and shall notify the department. Upon notification of a revocation under this section, the department shall record the

revocation and remove the declaration from the registry established in section 5404(e) (relating to declaration).

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting

6

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Franklin, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Madam Speaker.

Madam Speaker, this amendment would create a statewide registry, a voluntary registry, of DNR — do not resuscitate — orders. Basically, what this would do, it would allow physicians to have access to people that they do not know if they have a DNR or not, and a lot of times that is the case, particularly if you are not close to the hospital or if you would travel across the State and would be in an accident or become comatose.

This statewide registry has been accepted in several other States, and I think it would be good for the State of Pennsylvania and not only for my constituents and your constituents but also for physicians to have access to this. It is strictly voluntary and at a relatively minimal cost, and I would urge all of my colleagues to vote in favor of this.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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, Mr. Taylor, agrees. You may proceed.

Mr. VITALI. Would the gentleman start out by just giving a brief explanation of the bill?

Mr. TAYLOR. Thank you, Madam Speaker.

Madam Speaker, HB 2883 is really one of a number of attempts, legislative attempts that we have in the works, to help move abandoned property from its state of abandonment on to the private market to be sold and to become a vibrant part of the community.

In many, many cases, certainly in Philadelphia and I am certain around the Commonwealth, people just really do not step up to administer an estate if there is not a spouse or children. Just as a creditor can step forward, ask to administer an estate, give the heirs a right to step in if they want, this bill gives a community development corporation the right to do the same thing and puts them in a category of many different people who have the ability to step in and do what needs to be done on behalf of the community, to really move – the main purpose is to move private real property on to the market.

Mr. VITALI. So what we are dealing with is a situation where a person dies with assets, and this would allow a community development association with really absolutely no relationship to the person who died – do not know him, never met him, no business relationship with him, no connection with him whatsoever – to ask the court to be allowed to administer their estate. Is that right?

Mr. TAYLOR. Yes.

Mr. VITALI. All right. Now, I mean, this is unusual—

Mr. TAYLOR. If I may add, Madam Speaker, the same as a creditor would. The law exists now that a creditor certainly is not in a relationship to the decedent, but if that decedent owes a creditor money and nobody steps up to start the estate, a creditor has the right and often asks for and is given the right to administer the estate.

Mr. VITALI. Although I practice law, I do not have a lot of experience in estate law, but my general understanding was, typically it is a relative or friend who the court appoints, and in the absence of that, it has been my experience that the court typically appoints trustees that they are familiar with and have some special skills in this area. Are there any precedents anywhere else you are aware of in other States where business development corporations are allowed to do this?

Mr. TAYLOR. Madam Speaker, I have no experience with other States, but it is not unusual under our present PEF (Probate, Estate and Fiduciaries) Code to have people, number one, who have absolutely no relation to the decedent, and again we are talking about an estate that is sitting there, could be for years, and nothing has occurred, and secondly, the average executor that does an estate has absolutely no experience in administering estates.

So I would say that 95 percent of everyone the register of wills appoints on a daily basis has no experience administering estates, and they are given that right every day.

Mr. VITALI. I mean, one of my concerns is that if you have a nonexperienced relative administering the estate, since they are going to be taking from the property, since they have an incentive to make sure it is administered right because the assets go to them, I am concerned here because normally—

Mr. TAYLOR. Madam Speaker, that is not always the case, just so you know.

Mr. VITALI. Well, let me finish. But that is not the question.

Mr. TAYLOR. In many cases, that is not the case. So your premise is off.

Mr. VITALI. Well, okay.

One of my concerns here— Well, let me ask you this: Do you contemplate a situation where the person administering this estate, this community development person, would have an interest in acquiring the decedent's property itself?

Mr. TAYLOR. That is not what the legislation gives them. If the community development corporation was in the position to, they would be the same as any other purchaser of that real estate, but the primary focus of this legislation is to change that section of the PEF Code pertaining to those who are able to administer, and that means just people whose job it is to see to it that estate is carried out, and more importantly, the practical reason for all of this is to move that abandoned piece of real property from its current state over to a real owner, which will benefit the community.

Mr. VITALI. I mean, do you contemplate, if this is enacted, situations where the community development association both administers the estate and sells the property to itself?

Mr. TAYLOR. That is possible, just like any other administrator.

Mr. VITALI. At the price it agrees to. It is selling the property to itself at the price it sets.

Mr. TAYLOR. Just like any other administrator.

Mr. VITALI. Well, that is not true. I mean, that is not true based on— I do not want to be argumentative. Okay.

Mr. TAYLOR. Madam Speaker, just to add to that. I mean, you are still subject to a rigorous accounting procedure with the courts the same way any other administrator is, and I will give you that this is a novel approach to a problem, and again, it is not our only approach. We have ideas that are circulated through our committees for limited letters of administration so that that community group can only, only deal with the real property. We have other methods to try to give people in the community the ability to move that abandoned house along where that will sit literally forever if something does not happen.

Now, one would expect that a municipality or a county would soon go for taxes, but at least in the city of Philadelphia, that does not occur.

Mr. VITALI. Have any groups weighed in on this that you are aware of? I am thinking, for example, of the Pennsylvania or Philadelphia Bar Association, any subcommittees that deal with estates, or any other groups you might expect? Have any taken an opinion on this?

Mr. TAYLOR. Yes.

Mr. VITALI. And would you like to expand on that a bit?

Mr. TAYLOR. Certainly the statewide coalition for affordable housing, the Philadelphia and Pennsylvania Bar Associations, the association for register of wills, the citywide association of community development corporations. Individuals that are involved in community development corporations have been consulted, have weighed in on it. I cannot tell you. In this particular bill, the register of wills association is in favor of this bill. The bar association knows about it, was consulted, and has no problem with it. I think CDCs (community development corporations) in general are not often crazy about the responsibility, but it does not make them do it. It just enables them to do it, and in my case, in my particular part of Philadelphia, they are looking forward to doing it.

Mr. VITALI. Okay.

Let me be clear on the record. HB 2883 — the Philadelphia Bar Association, A, supports it; B, opposes it; C, has not expressed a formal opinion?

Mr. TAYLOR. I have not seen an official opinion on it. We do not have letters in the file, but they certainly know about it.

Mr. VITALI. Knowing about it and supporting it are two different things. So you say they have no formal opinion that you are aware of?

Mr. TAYLOR. Yes.

Mr. VITALI. The Pennsylvania Bar Association supports it, opposes it, or no opinion?

Mr. TAYLOR. No opinion.

Mr. VITALI. Okay.

Have any public hearings been conducted on this bill?

Mr. TAYLOR. No.

Mr. VITALI. Okay.

Thank you, Madam Speaker. That concludes my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Petrone, on final passage.

Mr. PETRONE. Thank you, Madam Speaker.

I, too, rise and ask for support for this legislation.

It was quite clear during the meetings that we held in Philadelphia and other areas that this was a severe problem in many communities. This legislation will help to rectify and to clear up a backlog of abandoned properties where there are no families or no one in line to try to get it from the courts and facilitate the cleanup by the cities, boroughs, or townships.

It is definitely needed. It is a large problem. I know it is hard to believe, but they did identify it during our meetings with those groups. So I ask for an affirmative support for this. The chairman and his staff did a superb job on it, and we should support it.

Thank you, Madam Speaker.

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—189

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

Diven	Lederer	Rohrer	
Donatucci	Leh	Rooney	
Eachus	Lescovitz	Ross	Perzel,
Egolf	Levdansky	Rubley	Speaker

NAYS-3

Josephs	Vitali	Yewcic
---------	--------	--------

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

RULES SUSPENDED

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

Mr. KENNEY. Madam Speaker, I move that the rules of the House be suspended in order to offer HB 2864, PN 4446.

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

The following roll call was recorded:

YEAS-192

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

Costa	Hickernell	Phillips	Wansacz
Crahalla	Horsey	Pickett	Washington
Creighton	Hutchinson	Pistella	Waters
Curry	James	Preston	Watson
Dailey	Josephs	Raymond	Wheatley
Daley	Keller	Readshaw	Williams
Dally	Kenney	Reed	Wilt
DeLuca	Killion	Reichley	Wojnarowski
Denlinger	Kirkland	Rieger	Wright
Dermody	Kotik	Roberts	Yewcic
DeWeese	LaGrotta	Roebuck	Youngblood
DiGirolamo	Leach	Rohrer	Yudichak
Diven	Lederer	Rooney	Zug
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	
Egolf	Levdansky	Sainato	Perzel,
Evans, J.	Lewis		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2864, PN 4446**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further imposing penalties for violation of school zone speed limits.

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

Mr. McCALL offered the following amendment No. **A4456**:

Amend Sec. 1 (Sec. 3365), page 4, line 17, by striking out "**\$500**" and inserting

not more than \$500 if the person exceeds the maximum speed limit by more than 11 miles per hour

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

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

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, I would submit that all of the members in this General Assembly are about safety in our school zones, and that is why under current law we have the 15-mile-an-hour speed limit in those designated school zones with no tolerance for going over the speed, which means if you are going 16 miles an hour, you get a ticket.

The problem with the legislation as written is that it increases the fine to \$500. While going on with that safety issue, I think the \$500 is a little excessive in that if you are going 16 miles an hour, you should not be getting a \$500 fine. That is why my amendment says up to \$500. So the egregious speeder, the speeder that is going 65 or 70 miles an hour through that speed limit, the magistrate will have the option to give you a \$500 fine, but if you are going 16 miles an hour in a 15-mile-an-hour zone, I think \$500 or conceivably \$600, with the costs that we have on our tickets today, is excessive. I think we should give that discretion to the magistrates and let them decide whether or not the violation was egregious or not, and I would ask that we support the amendment.

Thank you, Madam Speaker.

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

Mr. HORSEY. Thank you, Madam Speaker.

On the amendment, may I interrogate the maker of the amendment?

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

Mr. HORSEY. Madam Speaker, does your legislation or your amendment have anything to do with the second violation?

Mr. McCALL. No, it does not. Under current law you get — well, under the Kenney language you would get a 60-day license suspension. My amendment does nothing to a second offense in a school zone.

Mr. HORSEY. Are you aware that children getting hit and also crossing guards getting hit is a major problem in certain counties? Are you aware we have had two to three crossing guards killed in Philadelphia at school intersections? Are you aware that we had over 100 of them run over last year, 100 kids? Are you aware of that?

Mr. McCALL. That is why we are giving the magistrate discretion, Madam Speaker.

Mr. HORSEY. I am not going to take a position now, Madam Speaker, on the amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas, on the amendment.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I rise to support the McCall amendment.

I think that there should be stiff imposition of punishment when violating school speed zones, and I agree with Mr. McCall that there should be some flexibility rather than impose an absolute \$500 fine. I think that our local judges and district magistrates will have the discretion to go up to \$500.

So I think the message is clear that we have reached zero tolerance with people arbitrarily violating school speed zone laws, and so I strongly support the McCall amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Madam Speaker.

Madam Speaker, as the prime sponsor of this legislation, I, too, want to agree with the previous speaker, Mr. Thomas, and my friend, Mr. Horsey, from Philadelphia and support Chairman McCall's amendment to my legislation and thank Chairman McCall and Chairman Geist of the Transportation Committee for working on this issue.

In Philadelphia and I am sure throughout Pennsylvania, school safety zone issues are important. We want to protect our young people when they arrive for school and are dismissed from school. There is an issue in Philadelphia where over the past 3 years, as Mr. Horsey had mentioned, some 220 children were hit during those school hours during that time. It is an important issue, and I thank again the Transportation Committee for working with us on this legislation and ask that members support this amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Berks, Mrs. Miller, on the amendment.

Mrs. MILLER. Thank you, Madam Speaker.

Would the sponsor of the amendment stand for a very brief interrogation?

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

Mrs. MILLER. Madam Speaker, the amendment's language actually says that not more than \$500 may be assessed, and not being an attorney, I want to make sure that this actually says the exact same thing as your remark said that up to 500, so that the record is clear that if this is reviewed at any time in the future, that your language saying "not more than \$500..." does equal your statement of up to 500.

Mr. McCALL. It does, and that is clearly our intent.

Mrs. MILLER. Okay.

Mr. McCALL. Under current law the fine is \$35, and anything over 6 miles an hour, \$2 in addition to the 35. This puts the fine up to \$500.

Mrs. MILLER. Okay.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Blair County, Mr. Geist, on the amendment.

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

I rise to support the McCall amendment.

This is a very practical, very pragmatic solution, and I would urge a "yes" vote from everybody in the House.

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

Mr. ROEBUCK. Thank you, Madam Speaker.

I certainly want to rise to express my concern about anything that would in fact weaken the provision for increasing penalties for those who choose to speed through school zones. It is my experience in the city which I represent that it is not unusual for motorists to simply ignore the school zones, and if you slow down, indeed you find that those same motorists choose to pass you, and this is not only the residents of my city. It is striking to me that residents who drive into my city from suburban areas seem to choose to ignore school zones in my city. I have even seen those same residents pass school buses in my city. Now, I know they do not do that in the districts in which they live, but they do it in the city of Philadelphia. They put the lives of my kids at jeopardy, and that is wrong, and we need to send a clear message that the kids in Philadelphia are just as important, just as precious as the kids in any other municipality in this State.

I would like to see us hold these fines firm. I would like to see them be as high as we can to send a message that it is wrong, it is wrong, it is morally wrong, to put the lives of young kids at jeopardy because you want to get someplace a little bit faster and you want to ignore clearly marked, clearly defined

school zones. That is wrong, and I would hope that when we vote on this, we will keep that in mind.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

NAYS—1

Roebuck

NOT VOTING—0

EXCUSED—10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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—192

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

Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	
Egolf	Levdansky	Sainato	Perzel,
Evans, J.	Lewis		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

* * *

The House proceeded to third consideration of **SB 95**, **PN 1847**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further defining "separate and apart" for purposes of divorce; providing for premarital agreements; further providing for decree of court in actions for divorce; further defining "marital property" for purposes of certain property rights; and further providing for equitable division of marital property, for disposition of property to defeat obligations and for statement of reasons for distribution.

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 95, PN 1847, be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **HB 2919**, **PN 4592**, 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 display of United States Flag and development of patriotism.

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

Mr. FLEAGLE offered the following amendment No. **A4369**:

Amend Title, page 1, line 6, by removing the period after "patriotism" and inserting

and for funding for charter schools.

Amend Bill, page 2, by inserting between lines 19 and 20

Section 2. Section 1725-A of the act is amended by adding subsections to read:

Section 1725-A. Funding for Charter Schools.—* * *

(f) Notwithstanding subsection (a)(2) and (3), a school district that negotiates with a cyber charter school or another virtual education provider, which is hereby defined as an organization or consortium dedicated to providing to students in kindergarten and first grade through twelfth grade a full-range curriculum through the Internet or other electronic means, and agrees to a tuition payment for students who reside in the district, shall only be required to make payments to any cyber charter school or virtual education provider equal to that of the agreed-to tuition payment.

(g) Nothing in this act shall be construed to prevent a school district from being a virtual education provider and nothing in this section shall be construed to abridge or limit any rights provided under the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.

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

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

AMENDMENT WITHDRAWN

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

The gentleman informs us that that amendment has been withdrawn.

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?

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

Mr. CASORIO. Thank you, Madam Speaker.

Madam Speaker, just a point of clarification.

Can I ask the maker to stand for brief interrogation, please?

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

Mr. CASORIO. Thank you, Madam Speaker.

It is just striking me a little bit peculiar, and I am reading from our pre-session report. HB 2919 removes the requirement, removes the requirement of displaying the American flag and reciting the Pledge of Allegiance or national anthem in private or parochial schools. Am I reading that right, Madam Speaker?

Mr. EGOLF. That is correct. That is pursuant to the court decision concerning Act 157, which had passed here originally, but the court had struck down the requirement for it to be done in private schools.

Mr. CASORIO. And, Madam Speaker, we are adding the requirement that public schools provide for the Pledge of Allegiance or the national anthem in every classroom at the beginning of each schoolday. Is that correct?

Mr. EGOLF. That is correct.

Mr. CASORIO. Could I just ask, Madam Speaker, just to give me 30 seconds, please.

Thank you, Madam Speaker.

Madam Speaker, again, I have two different versions. Again to the maker, our pre-session report says that it removes the requirement of displaying the American flag, and the bill summary says, "...by requiring the display of the" American "flag...." One removes and one adds, and I think it is, obviously, a major contrast, and that is why I just wanted some clarification.

Mr. EGOLF. Okay.

I am not sure what you are reading, but it removes the requirement to display the flag in private and religious schools. It keeps the requirement for public schools.

Mr. CASORIO. Thank you, Madam Speaker.

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

Denlinger	Kotik	Rieger	Wright
Dermody	LaGrotta	Roberts	Yewcic
DeWeese	Leach	Roebuck	Youngblood
DiGirolamo	Lederer	Rohrer	Yudichak
Diven	Leh	Rooney	Zug
Donatucci	Lescovitz	Ross	
Eachus	Levdansky	Rubley	Peizel,
Egolf	Lewis	Sainato	Speaker
Evans, J.			

NAYS—1

Josephs

NOT VOTING—0

EXCUSED—10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Baldwin.

Mr. BALDWIN. Madam Speaker, I move that the rules of the House be suspended in order to offer HB 2745, PN 4668.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

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

Civera	Hasay	Pallone	Turzai
Clymer	Hennessey	Payne	Vance
Cohen	Herman	Petrarca	Veon
Cornell, S. E.	Hershey	Petri	Vitali
Corrigan	Hess	Petrone	Walko
Costa	Hickernell	Phillips	Wansacz
Crahalla	Horse	Pickett	Washington
Creighton	Hutchinson	Pistella	Waters
Curry	James	Preston	Watson
Dailey	Josephs	Raymond	Wheatley
Daley	Keller	Readshaw	Williams
Dally	Kenney	Reed	Wilt
DeLuca	Killion	Reichley	Wojnarowski
Denlinger	Kirkland	Rieger	Wright
Dermody	Kotik	Roberts	Yewcic
DeWeese	LaGrotta	Roebuck	Youngblood
DiGirolamo	Leach	Rohrer	Yudichak
Diven	Lederer	Rooney	Zug
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, J.	Lewis		

NAYS-0

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2745, PN 4668**, entitled:

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.

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-192

Adolph	Fabrizio	Mackereth	Samuelson
Allen	Fairchild	Maher	Santoni
Argall	Feesse	Maitland	Sather
Armstrong	Fichter	Major	Scavella
Baker	Fleagle	Manderino	Schroder
Baldwin	Flick	Mann	Scrimanti
Bard	Forcier	Markosek	Semmel

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Coleman	Hanna	Nailor	Saylor
Cruz	Laughlin	Ruffing	Weber
Evans, D.	Lynch		

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

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

LEAVE OF ABSENCE

The **SPEAKER** pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who requests the gentleman from Cambria, Mr. **HALUSKA**, be placed on leave for the remainder of the day. The Chair hears no objection.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2719, PN 4482**, entitled:

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

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

We just went through an election where there was a tremendous lot of discussion about morals and family values. All the polls show that the people in this country take, as they should, these kinds of morals and family values very seriously, as do all of us here and as do I. So I am very puzzled at this trend with this bill which abolishes common-law marriage, and I am wondering why the people of the General Assembly seem to want to encourage folks to live together without the benefit of marriage. I do not understand it. I do not think this is a wise move. I am not for encouraging people living in sin.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

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—180

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

Civera	Hennessey	Payne	Turzai
Clymer	Herman	Petrarca	Vance
Cornell, S. E.	Hershey	Petri	Veon
Corrigan	Hess	Petrone	Vitali
Costa	Hickernell	Phillips	Walko
Crahalla	Horsey	Pickett	Wansacz
Creighton	Hutchinson	Pistella	Waters
Dailey	Keller	Preston	Watson
Daley	Kenney	Raymond	Wilt
Dally	Killion	Readshaw	Wojnaroski
DeLuca	Kotik	Reed	Wright
Denlinger	LaGrotta	Reichley	Yewcic
Dermody	Leach	Rieger	Youngblood
DeWeese	Lederer	Roberts	Yudichak
DiGirolamo	Leh	Rohrer	Zug
Diven	Lescovitz	Rooney	
Donatucci	Levdansky	Ross	
Eachus	Lewis	Rubley	Perzel, Speaker
Egolf	Mackereth		

NAYS—11

Cohen	James	Roebuck	Wheatley
Curry	Josephs	Thomas	Williams
Freeman	Kirkland	Washington	

NOT VOTING—0

EXCUSED—11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2607, PN 3859**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "public venue."

On the question,

Will the House agree to the bill on third consideration?

Mr. PAYNE offered the following amendment No. **A4095**:

Amend Title, page 1, line 17, by striking out "venue." " and inserting

venue"; and further providing for limited wineries.

Amend Bill, page 3, line 16, by striking out all of said line and inserting

Section 2. Section 505.2 of the act is amended by adding a clause to read:

Section 505.2. Limited Wineries.—In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

(6.1) Operate a restaurant on the licensed premises and sell by the glass only wine that may otherwise be sold by the bottle.

Section 3. This act shall take effect as follows:

(1) The amendment of section 102 of the act shall take effect immediately.

(2) This section shall take effect immediately.

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

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Coleman
Cruz
Evans, D.

Haluska
Hanna
Laughlin

Lynch
Nailor
Ruffing

Saylor
Weber

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. J. EVANS offered the following amendment No. A4107:

Amend Title, page 1, line 17, by striking out "venue." " and inserting

venue"; and further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses.

Amend Bill, page 3, by inserting between lines 15 and 16

Section 2. Section 431(d)(2) of the act, amended December 20, 1996 (P.L.1513, No.196), is amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—***

(d) ***

(2) After January 1, 1980, no manufacturer shall enter into any agreement with more than one distributor or importing distributor for the purpose of establishing more than one agreement for designated brand or brands of malt or brewed beverages in any one territory. Each franchise territory which is granted by a manufacturer shall not be required to be geographically contiguous. All importing distributors shall maintain sufficient records to evidence compliance of this section. With regard to any territorial distribution authority granted to an importing distributor by a manufacturer of malt or brewed beverages after January 1, 1996, the records shall establish that each and every case of a brand of malt or brewed beverages for which the importing distributor is assigned was sold, resold, stored, delivered or transported by the importing distributor, either from a point or to a point with the assigned [geographically contiguous] geographical territory, to any person or persons, whether such person or persons are licensed by this act or not licensed by this act.

Amend Sec. 2, page 3, line 16, by striking out "2" and inserting
3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

I am just looking for an explanation of the amendment from the sponsor.

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

Mr. J. EVANS. Thank you, Madam Speaker.

This amendment is designed to allow a distributor to operate in a noncontiguous geographical territory. As the law is currently written, they must be connected geographically by county. What this amendment would do would allow a

distributor to operate in counties that would be noncontiguous within the Commonwealth of Pennsylvania.

Mr. SAMUELSON. Thank you.

May I interrogate for an additional question?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SAMUELSON. Would this mean that one distributor could then operate statewide in Pennsylvania?

Mr. J. EVANS. Yes. To answer the question, theoretically that would be possible, but under the present law that would still be a possibility because the contiguous territories could still potentially be theoretical as well, but it is not probable.

Mr. SAMUELSON. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Mustio, from Allegheny County.

Mr. MUSTIO. Thank you, Madam Speaker.

I rise in opposition to this amendment.

As a Representative from Allegheny County that has seen a lot of manufacturing jobs decline over the last couple years, this is going to start, really, the death knell of some small brewery manufacturing jobs in Pennsylvania, and I would encourage all those that are interested in maintaining manufacturing, particularly those that have signed on to the KMI (Keystone Manufacturing Initiative) legislation, to vote "no" on this amendment.

Since 2001 in Pennsylvania we have lost 156,000 manufacturing jobs, and I do not want to see another 300 to 500 in Allegheny County be lost as well. So I would encourage all of you to vote "no" on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose the amendment.

We have a number of small breweries throughout Pennsylvania that employ our people, that are well-run businesses, and are very integral parts of our community. They have been in existence for years, and they have a small niche of the market that they enjoy, the businesses and the employees that they hire. Allegheny County has one; Yuengling is one; Lion Brewery in Wilkes-Barre is one.

This amendment allows the big boys to come in. It is the Wal-Mart of beer. It allows the big boys to come in and set up operation and put these small breweries out of business, pure and simple — to undercut them, to outsell them, outmarket them, and put them out of business.

It is not right. There is nothing broken with the way we operate now in Pennsylvania. We need not let these companies, these megacompanies, start setting up small breweries to compete with these operations and businesses in Pennsylvania.

It is a bad amendment. It is bad for business; it is bad for jobs in Pennsylvania, and I ask that the amendment be defeated.

Thank you, Madam Speaker.

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

Mr. ALLEN. Thank you, Madam Speaker.

I also rise in opposition. I do not want to be rhetorical, but it is very obvious that one thing that this does in the long run is take manufacturing jobs, union jobs, out of Pennsylvania. The small distributors, the midsized distributors, are also going to be hurt when gigantic warehouses of beer from a brewery outside the State of Pennsylvania who does not employ anyone in the State of Pennsylvania making beer is going to be able to open

these facilities. I therefore ask the members to consider saving Pennsylvania jobs, not only at the distribution level but also at the manufacturing level.

Thank you very much.

We are here in this General Assembly trying to create jobs for this State, and this amendment actually does the opposite. It sends the wrong message to people who have built their beer distributorships and breweries in Pennsylvania, and I ask for a "no" vote.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reichley, on the amendment.

Mr. REICHLEY. Thank you, Madam Speaker.

I am a prime sponsor of HB 2607. I think the members are going to have to make their own judgment. Certainly there are issues of consolidation which may be favorable to the intent of the amendment, but there are obviously some important economic issues for small brewers and distributors. So I am asking each member to consider all those factors in rendering judgment on this amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Evans, on the amendment.

Mr. J. EVANS. Thank you, Madam Speaker.

This amendment, I think, is being misinterpreted by some. This is not an anticompetitive type of amendment that we are offering here, nor is it intended to endanger any Pennsylvania jobs. This is a proconsumer amendment. It will offer Pennsylvanians the lowest possible prices in a free market system, which I think we all would agree is very, very important.

It is simply establishing some fairness in the geographical boundaries. Some portions of the State, perhaps in Erie County, other portions in the northeast that are bound by border States, that do not have the advantage of being in a centralized position in Pennsylvania, are at a distinct competitive disadvantage the way the law is currently orchestrated. And my belief is that this is a commonsense, proconsumer amendment that certainly is not intended to endanger any jobs. I think that the small breweries and the small companies in Pennsylvania are competitive and they will continue to be competitive in the future.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Elk County, Mr. Surra, on the amendment.

Mr. SURRA. Thank you, Madam Speaker.

Madam Speaker, would the prime sponsor of the amendment just stand for very brief interrogation?

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

Mr. SURRA. Madam Speaker, can you give me some idea of what impact, if this amendment would become law, would have on our existing three-tiered system?

Mr. J. EVANS. Madam Speaker, to my understanding, the three-tiered system would remain intact. The process would remain from the manufacturer to the distributor to the consumer. That would not be affected.

Mr. SURRA. Thank you, Madam Speaker.

On the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SURRA. While I believe that answer is probably accurate, what is not being said, I think, is the fact that it would bring a tremendous amount of unfair competition to our people in the existing three-tiered system.

Remember, Madam Speaker, just a couple years ago we passed a tax credit for the small brewers in Pennsylvania, trying to help them, trying to keep them going, trying to encourage their businesses, many of them longtime, family-run operations that have been in Pennsylvania operating here for many, many years. Madam Speaker, I think that was a good move back then, and there is no question that this amendment will have a negative impact on those very businesses that we are trying to help.

Madam Speaker, I think it is very important that we protect Pennsylvania jobs, that we help stimulate these existing Pennsylvania businesses. I can tell you that this is opposed by the small breweries in Pennsylvania, by the Pennsylvania Brewers Association, and by the Malt Beverage Distributors Association, and I ask my colleagues to vote "no" on the Evans amendment.

Thank you.

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

Mr. PALLONE. Thank you, Madam Speaker.

This amendment does exactly the contrary to what the gentleman indicated, and in fact it does affect the small businesses in Pennsylvania, and if you know anything about the free market and anything about small business, that is the foundation of the economy in our State, it is the foundation of the economy in our country, and all this does is give the large conglomerate, the large distributor, the large business enterprise, just a more dominant position over the small businesses in Pennsylvania.

I stand for small business. I certainly appreciate the good works that small business in Pennsylvania does, and I would ask that we all vote against this amendment so that we can continue to have small local business in Pennsylvania.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Schuylkill County, Mr. Allen, on the amendment for the second time.

Mr. ALLEN. Thank you, Madam Speaker.

I agree with the sponsor of the amendment that this will be consumer friendly — for the first 6 months or the first year until all small distributors or midsized distributors are out of business. And then I guarantee you, when there are only the big guys left, the price of all the beer in this State is going to go up.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Erie County, Mr. Evans, on the amendment for the second time. The gentleman waives off.

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

The following roll call was recorded:

YEAS—4

Birmelin	Evans, J.	Killion	Maitland
----------	-----------	---------	----------

NAYS—186

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

NOT VOTING—1

Youngblood

EXCUSED—11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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

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

Mr. WILT offered the following amendment No. A4164:

Amend Title, page 1, line 17, by striking out "venue." " and inserting

venue"; and further providing for unlawful acts relative to malt or brewed beverages and licensees.

Amend Bill, page 3, by inserting between lines 15 and 16

Section 2. Section 492(4) of the act, amended December 20, 1996 (P.L.1513, No.196), is amended to read:

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

(4) Activities of Manufacturers, Importing Distributors or Distributors on Sunday. For any manufacturer of malt or brewed beverages, importing distributor or distributor, or the servants, agents or employees of the same, to sell malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday. Notwithstanding any other provision of this section, delivery or receiving of malt or brewed beverages shall be permissible on Sunday after prior arrangement as follows:

(i) A manufacturer may deliver to any importing distributor or distributor to which the manufacturer has granted wholesale distribution rights for the manufacturer's product.

(ii) An importing distributor or distributor may deliver to any organization to which a special occasion permit has been issued between the hours of nine o'clock antemeridian and five o'clock postmeridian.

(iii) An importing distributor or distributor may deliver to anyone not licensed under this act between the hours of nine o'clock antemeridian and five o'clock postmeridian.

The term "prior arrangement" shall mean that malt or brewed beverages having a total sale price, excluding any deposits or credits, exceeding two hundred fifty dollars (\$250) have been ordered, invoiced and paid for in full at the seller's licensed premises before the Sunday of delivery.

Whenever New Year's Day or Saint Patrick's Day falls on a Sunday, and the Sunday on which the Super Bowl is played, every importing distributor and distributor licensee may sell malt or brewed beverages on such day between the hours of twelve o'clock noon and five o'clock postmeridian.

Amend Sec. 2, page 3, line 16, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—117

Adolph	Fichter	Major	Scavell
Allen	Flick	Manderino	Schroder
Argall	Frankel	Mann	Scrimenti
Bard	Freeman	Markosek	Semmel
Barrar	Gergely	Marsico	Shaner
Bastian	Gillespie	McCall	Smith, S. H.
Bebko-Jones	Godshall	McGill	Solobay
Belardi	Good	McNaughton	Staback
Belfanti	Goodman	Micozzie	Stairs
Benninghoff	Gruclla	Millard	Stetler
Biancucci	Gruitza	Miller, R.	Stevenson, T.
Birmelin	Harhai	Miller, S.	Sturla
Blaum	Harhart	Mundy	Taylor, E. Z.
Buxton	Harper	Mustio	Taylor, J.

Caltagirone	Hasay	Myers	Thomas
Cappelli	Hennessey	Nickol	Tigue
Cawley	Herman	Payne	Turzai
Cornell, S. E.	James	Petrarca	Vance
Corrigan	Josephs	Petrone	Vitali
Costa	Kenney	Pickett	Wansacz
Crahalla	Killion	Pistella	Washington
Dailey	Kirkland	Preston	Williams
Daley	Kotik	Reed	Wilt
Dally	LaGrotta	Reichley	Wojnarowski
DeLuca	Leach	Roberts	Yewcic
Dermody	Leh	Rooney	Yudichak
Diven	Lescovitz	Ross	
Eachus	Levdansky	Rubley	
Evans, J.	Mackereth	Sainato	Perzel,
Feese	Maitland	Santoni	Speaker

NAYS—71

Armstrong	Donatucci	Keller	Rohrer
Baker	Egolf	Lederer	Samuelson
Baldwin	Fabrizio	Maher	Sather
Bishop	Fairchild	McGeehan	Steil
Boyd	Fleagle	McIlhattan	Stern
Browne	Forcier	McIlhinney	Stevenson, R.
Bunt	Gabig	Melio	Surra
Butkovitz	Gannon	Metcalfe	Tangretti
Casorio	Geist	O'Brien	Travaglio
Causar	George	Oliver	True
Civera	Gingrich	O'Neill	Veon
Clymer	Habay	Pallone	Walko
Cohen	Harris	Petri	Waters
Creighton	Hershey	Phillips	Watson
Curry	Hess	Raymond	Wheatley
Denlinger	Hickernell	Readshaw	Wright
DeWeese	Horse	Rieger	Zug
DiGirolamo	Hutchinson	Roebuck	

NOT VOTING—3

Lewis	Smith, B.	Youngblood
-------	-----------	------------

EXCUSED—11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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-146

Adolph	Freeman	Marsico	Schroder
Argall	Gannon	McCall	Scrimenti
Bard	George	McGill	Semmel
Barrar	Gergely	McNaughton	Shaner
Bastian	Gillespie	Melio	Smith, B.
Bebko-Jones	Godshall	Micozzie	Smith, S. H.
Belardi	Good	Millard	Solobay
Belfanti	Goodman	Miller, R.	Staback
Biancucci	Grucela	Miller, S.	Stairs
Birmelin	Gruitza	Mundy	Steil
Blaum	Harhai	Mustio	Stetler
Browne	Harhart	Myers	Stevenson, T.
Bunt	Harper	Nickol	Sturla
Butkovitz	Hasay	O'Brien	Surra
Buxton	Hennessey	Oliver	Taylor, E. Z.
Caltagirone	Herman	O'Neill	Taylor, J.
Cappelli	Horsey	Payne	Thomas
Cawley	James	Petrarca	Tigue
Cohen	Josephs	Petri	Travaglio
Cornell, S. E.	Keller	Petrone	Turzai
Corrigan	Kenney	Pickett	Vance
Costa	Killion	Pistella	Vitali
Crahalla	Kirkland	Preston	Walko
Daley	Kotik	Raymond	Wansacz
Dally	LaGrotta	Readshaw	Washington
DeLuca	Leach	Reed	Waters
Dermody	Lederer	Reichley	Watson
DiGirolamo	Lescovitz	Rieger	Wheatley
Diven	Levdansky	Roberts	Williams
Donatucci	Lewis	Roebuck	Wilt
Eachus	Mackereth	Rooney	Wojnaroski
Evans, J.	Maher	Ross	Wright
Fabrizio	Maitland	Rublely	Youngblood
Feese	Major	Sainato	Yudichak
Fichter	Manderino	Samuelson	
Flick	Mann	Santoni	Perzel,
Frankel	Markosek	Scavello	Speaker

NAYS-45

Allen	Curry	Habay	Pallone
Armstrong	Dailey	Harris	Phillips
Baker	Denlinger	Hershey	Rohrer
Baldwin	DeWeese	Hess	Sather
Benninghoff	Egolf	Hickernell	Stern
Bishop	Fairchild	Hutchinson	Stevenson, R.
Boyd	Flagle	Leh	Tangretti
Casorio	Forcier	McGeehan	True
Causar	Gabig	McIlhattan	Veon
Civera	Geist	McIlhinney	Yewcic
Clymer	Gingrich	Metcalfe	Zug
Creighton			

NOT VOTING-0

EXCUSED-11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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

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

* * *

The House proceeded to third consideration of **HB 2888, PN 4477**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. Do the gentlemen, Mr. Payne and Mr. Wilt, wish to offer these same amendments to this bill? Does the gentleman, Mr. Payne, wish to offer this amendment? And the gentleman, Mr. Wilt?

Mr. PAYNE. Madam Speaker, I guess at this time the answer would be yes, because I am not aware of the exact language in Representative Wilt's, and also in case one would come up first or fail or change.

Thank you.

The SPEAKER pro tempore. Thank you.

Mr. Wilt, do you also wish to offer yours?

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PAYNE offered the following amendment No. **A4097**:

Amend Sec. 1 (Sec. 505.2), page 5, by inserting between lines 7 and 8

(6.1) Operate a restaurant on the licensed premises and sell by the glass only wine that may otherwise be sold by the bottle.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-191

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

Civera	Hennessey	Pallone	Turzai
Clymer	Herman	Payne	Vance
Cohen	Hershey	Petrarca	Veon
Cornell, S. E.	Hess	Petri	Vitali
Corrigan	Hickernell	Petrone	Walko
Costa	Horsey	Phillips	Wansacz
Crahalla	Hutchinson	Pickett	Washington
Creighton	James	Pistella	Waters
Curry	Josephs	Preston	Watson
Dailey	Keller	Raymond	Wheatley
Daley	Kenney	Readshaw	Williams
Dally	Killion	Reed	Wojnaroski
DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Rieger	Yewcic
Dermody	LaGrotta	Roberts	Youngblood
DeWeese	Leach	Roebuck	Yudichak
DiGirolamo	Lederer	Rohrer	Zug
Diven	Leh	Rooney	
Donatucci	Lescovitz	Ross	Perzel,
Eachus	Levdansky	Rubley	Speaker
Egolf	Lewis	Sainato	
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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?

The SPEAKER pro tempore. Does the gentleman, Mr. Wilt, wish to offer his amendment? The amendment is withdrawn.

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-173

Adolph	Feese	Major	Scavello
Allen	Fichter	Manderino	Schroder
Argall	Flick	Mann	Scrimenti
Armstrong	Frankel	Markosek	Semmel
Baker	Freeman	Marsico	Shaner
Baldwin	Gabig	McCall	Smith, B.
Bard	Gannon	McGeehan	Smith, S. H.
Barar	Geist	McGill	Solobay

Bebko-Jones	George	McIlhinney	Staback
Belardi	Gergely	McNaughton	Stairs
Belfanti	Gillespie	Melio	Steil
Biancucci	Gingrich	Micozzie	Stern
Bishop	Godshall	Millard	Stetler
Blaum	Good	Miller, R.	Stevenson, T.
Boyd	Goodman	Miller, S.	Sturla
Browne	Grucela	Mundy	Surra
Bunt	Gruitza	Mustio	Tangretti
Butkovitz	Habay	Myers	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Harris	O'Neill	Travaglio
Causar	Hasay	Pallone	True
Cawley	Hennessey	Payne	Turzai
Civera	Herman	Petrarca	Vance
Cohen	Hickernell	Petri	Veon
Cornell, S. E.	Horsey	Petrone	Vitali
Corrigan	James	Pickett	Walko
Costa	Josephs	Pistella	Wansacz
Crahalla	Keller	Preston	Washington
Curry	Kenney	Raymond	Waters
Dailey	Killion	Readshaw	Watson
Daley	Kirkland	Reed	Wheatley
Dally	Kotik	Reichley	Williams
DeLuca	LaGrotta	Rieger	Wilt
Dermody	Leach	Roberts	Wojnaroski
DeWeese	Lederer	Roebuck	Wright
DiGirolamo	Leh	Rooney	Yewcic
Diven	Lescovitz	Ross	Youngblood
Donatucci	Levdansky	Rubley	Yudichak
Egolf	Lewis	Sainato	
Evans, J.	Mackereth	Samuelson	
Fabrizio	Maher	Santoni	Perzel,
Fairchild	Maitland	Sather	Speaker

NAYS-18

Bastian	Denlinger	Hess	Phillips
Benninghoff	Eachus	Hutchinson	Rohrer
Birmelin	Fleagle	McIlhattan	Stevenson, R.
Clymer	Forcier	Metcalfe	Zug
Creighton	Hershey		

NOT VOTING-0

EXCUSED-11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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

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

RULES SUSPENDED

The SPEAKER pro tempore. Continuing on page 6, the Chair recognizes the gentleman from Delaware, Mr. Raymond.

Mr. RAYMOND. Madam Speaker, I move that the rules of the House be suspended in order to offer HB 2901, PN 4670.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2901**, **PN 4670**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for powers of the Pennsylvania Liquor Control Board and for sales by Pennsylvania Liquor Stores; providing for a point system for violations of the act by licensees in first class cities; further providing for limited wineries; and providing for distilleries.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GODSHALL** offered the following amendment No. **A4624**:

Amend Sec. 1, page 1, line 24, by striking out "and (b)"

Amend Sec. 1, page 2, line 1, by inserting after "No.14)," and

Amend Sec. 1, page 2, line 2, by striking out "are" and inserting is

Amend Sec. 1 (Sec. 207), page 2, lines 13 through 30; page 3, lines 1 through 30; page 4, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 9, page 10, line 13, by striking out all of said line

Amend Sec. 9, page 10, line 14, by striking out "(ii)" and inserting

(i)

Amend Sec. 9, page 10, line 15, by striking out "(iii)" and inserting

(ii)

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Godshall.

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

This amendment removes some objectionable language pertaining to variable pricing initiative, which was objectionable to both the Taverns Association and the Restaurant Association, and I would like to say that at this point it is an agreed-to amendment. What we have agreed to is to sit down next week with the Restaurant Association, with the Liquor Control Board, and try to work out some agreeable solution. And I want to thank the Liquor Committee, specifically Representative Raymond, for agreeing to go along with the amendment at this point and then sit down next week and try to work the whole thing out.

So I would appreciate a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Adolph	Fabrizio	Mackereth	Santoni
Allen	Fairchild	Maher	Sather
Argall	Feese	Maitland	Scavello
Armstrong	Fichter	Major	Schroder
Baker	Fleagle	Manderino	Scrimenti
Baldwin	Flick	Mann	Semmel

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

NAYS-2

Creighton Petri

NOT VOTING-0

EXCUSED-11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

The following roll call was recorded:

YEAS-157

Adolph	Fichter	Manderino	Scrimenti
Allen	Flick	Mann	Semmel
Argall	Frankel	Markosek	Shaner
Baldwin	Freeman	Marsico	Smith, B.
Bard	Gannon	McCall	Smith, S. H.
Barrar	Geist	McGeehan	Solobay
Belardi	George	McGill	Staback
Belfanti	Gergely	McIlhinney	Stairs
Biancucci	Gillespie	McNaughton	Steil
Bishop	Gingrich	Melio	Stetler
Blaum	Godshall	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Harhai	Myers	Taylor, E. Z.
Cappelli	Harhart	Nickol	Taylor, J.
Causer	Harper	O'Brien	Thomas
Cawley	Harris	Oliver	Tigue
Civera	Hasay	O'Neill	Travaglio
Cohen	Hennessey	Payne	Turzai
Cornell, S. E.	Herman	Petrarca	Vance
Corrigan	Horsey	Petri	Veon
Costa	James	Petrone	Vitali
Crahalla	Josephs	Pickett	Walko
Curry	Keller	Pistella	Wansacz
Dailey	Kenney	Preston	Washington
Daley	Killion	Raymond	Waters
Daily	Kirkland	Reed	Watson
DeLuca	LaGrotta	Reichley	Wheatley
Dermody	Leach	Rieger	Williams
DeWeese	Lederer	Roberts	Wilt
DiGirolamo	Leh	Roebuck	Wojnaroski
Diven	Lescovitz	Rooney	Wright
Donatucci	Levdansky	Ross	Youngblood
Eachus	Lewis	Rubley	Yudichak
Evans, J.	Mackereth	Sainato	
Fabrizio	Maher	Santoni	
Fairchild	Maitland	Scavello	Perzel,
Feese	Major	Schroder	Speaker

NAYS-34

Armstrong	Creighton	Hickernell	Readshaw
Baker	Denlinger	Hutchinson	Rohrer
Bastian	Egolf	Kotik	Samuelson
Bebko-Jones	Fleagle	McIlhattan	Sather
Benninghoff	Forcier	Metcalfe	Stern
Birmelin	Gabig	Miller, S.	True
Boyd	Habay	Pallone	Yewcic
Casorio	Hershey	Phillips	Zug
Clymer	Hess		

NOT VOTING-0

EXCUSED-11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

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?

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

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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2732, PN 4119

By Rep. HERMAN

An Act amending the act of July 28, 1953 (P.L. 723, No. 230), known as the Second Class County Code, further providing for assessment limits on counties of the second class.

LOCAL GOVERNMENT.

HB 2980, PN 4689 (Amended)

By Rep. HERMAN

An Act amending the act of August 24, 1951 (P.L. 1304, No. 315), known as the Local Health Administration Law, further defining "municipality"; further providing for authorization of county departments of health, for dissolution of and withdrawal from county departments of health and for establishment of county departments of health; and providing for municipalities with intergovernmental cooperation agreements.

LOCAL GOVERNMENT.

VOTE CORRECTION

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

Mr. GRUCELA. Thank you, Madam Speaker.

Madam Speaker, if in order, I would like to rise to correct the record.

On HB 1720 I had been recorded in the affirmative. I would like to be recorded in the negative.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. Your remarks will be spread across the record.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. EGOLF. Madam Speaker, I would just like to submit remarks for the record pertaining to HB 2919.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

As many of you are aware, Act 157 of 2002 essentially required that public and private schools display the United States flag and offer the Pledge of Allegiance or national anthem each day. The act further provided students could, on the basis of religious conviction or personal belief, refrain from participating. Finally, the act stated that schools would have to provide parental notification if a student refrained from the pledge or anthem.

Recent decisions by the Federal courts in Pennsylvania have essentially suspended the act. The courts found that while the provisions of the act concerning the offering of the pledge and anthem in public schools as well as the student's ability to refuse participation were constitutional, other requirements of the act did not, in the court's opinion, comply with constitutional mandates.

This bill is drafted to meet the standards established in the court decisions. The bill removes the parental notification requirements imposed by Act 157. It deals only with public schools. This carefully

crafted alternative provides that children in public schools will have the opportunity to participate in the civic exercise of the Pledge of Allegiance or the national anthem in compliance with constitutional directives, and I might add, to participate in discussions of what our flag symbolizes, discussions of the history of our country, of our Constitution, and our founders and how and why they crafted a Constitution that is the most admired, the most imitated, and the longest lasting Constitution in the history of the world.

Also, veterans groups who have asked for passage of this legislation have asked for and encouraged their member units to volunteer to provide flags to their local schools and for their members to offer to go into their local schools and talk about their service to their country — why they and their fellow soldiers, sailors, and airmen have served, fought, and risked their lives to defend that flag and the citizens, the freedoms, the opportunities, and our constitutional protections that our flag stands for.

Our veterans feel strongly that our young people should be given the opportunity to learn about our nation's symbol, and they believe that our public schools are the places to do that.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

FAREWELL ADDRESS BY MR. TRAVAGLIO

The SPEAKER. Would the gentleman from Butler, Mr. Travaglio, please step to the rostrum.

The gentleman indicated he would like to just make remarks. He does not wish to preside at the rostrum. So with that, the gentleman from Butler, our good friend and retiree, Mr. Travaglio.

Would the members please take their seats. The gentleman is entitled to be heard.

Mr. TRAVAGLIO. My name is Guy Travaglio, and I support this message.

When I made the decision to retire, I had many mixed emotions. I thought, how would I leave the late nights of voting until 4 or 5 in the morning? Will I miss that? I do not think so. How could I leave the 4-hour drive back and forth? Will I miss that? Not really. I think I will probably cherish most the friendships that I have made here in Harrisburg, the folks that I can call my friends and the people who have helped me through the past 10 years. That I certainly will miss.

I did get an unbelievable education while I was here. When I came into the legislature, I was 68 years old, and I thought I knew everything. Ten years later I found out that I really was not as smart as I thought I was.

I will miss the people who helped me back home, my staff, the folks here that helped craft some bills that I was lucky enough to get passed with your help, with the amendment clerks, and with all the other people that have helped me. I am going to miss that.

Now, I know that somewhere along the line you are going to need someone to sit in for you to vote, and I am volunteering. Just call me, and I will come back and vote for you.

I want to thank Mr. Perzel. He has been very kind to me over the years and to everybody, and I say, God bless this House and God bless the USA.

Thank you.

The SPEAKER. The House will be at ease.

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 547, PN 805

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, providing for assessments.

HB 599, PN 1483

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for time limitations on rights of action.

HB 600, PN 702

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for denial, suspension and revocation of registration.

HB 2441, PN 3452

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing for surviving spouse to resume prior name.

HB 2589, PN 3873

An Act amending the act of March 3, 1972 (P.L.102, No.37), entitled "An act regulating the importation and sale of live turtles and providing for permits to be issued by the Department of Health," by repealing certain provisions related to permits and certification.

HB 2719, PN 4482

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

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

STATEMENT BY MR. GODSHALL

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Godshall, for a brief statement.

Mr. GODSHALL. Thank you, Mr. Speaker.

As chairman of the Tourism Committee, I would just like to say — as soon as I shut off this cell phone — I would just like to say that we are going to miss Guy Travaglio. He was one of the loyal members of the committee. He very rarely, if ever, missed a meeting; and my members on my side, myself, we all wish him well and, you know, best wishes in everything you do. So our committee members say thank you.

STATEMENT BY MR. TIGUE

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, tomorrow, November 11, many of us will partake in services and ceremonies throughout this Commonwealth, in all the boroughs and townships and cities, in honor of the veterans who served from the American Revolution to those currently in harm's way in places like Fallujah and Afghanistan. So I know that we are aware of that, but some of you may not be aware of what today is, and today is November 10, and for those of us who are former Marines or current Marines, we understand that today is the 229th birthday of the United States Marine Corps.

The Marine Corps actually began in a tavern, in Tun Tavern in the City of Brotherly Love in 1775, and I would just like to read a message from the Commandant of the Marine Corps, today, 10 November 2004:

Two hundred and twenty-nine years ago, the Second Continental Congress established a Corps of Marines to fight for a democratic people's independence. Since then countless Marines have raised their hand and sworn to defend our Nation's freedoms and preserve its liberties. This year's anniversary again finds Marines engaged throughout the globe for the same noble purposes. The bravery, heroism, and selflessness of all Marines — wherever they are serving — have added significantly to our rich legacy and measured up to the high standards that have come to epitomize all who wear the Eagle, Globe, and Anchor.

The current battlefields of the Global War on Terror are linked to the storied campaigns of our past by an unbroken tradition of proud and loyal service. At New Providence, Chapultepec, Belleau Wood, Tarawa, Iwo Jima, the Chosin Reservoir, Con Thien, Kuwait, and now in places like Fallujah, Marines have consistently demonstrated a dedication to duty, a commitment to warfighting excellence, and a devotion to each other that has instilled a fierce determination....

I will not read the whole thing, but let me finish it by saying — I will submit it for the record —

Marines, as we celebrate with friends and families the founding of our beloved Corps, you should take pride in our long history of distinguished service to this great Nation and its citizens. I ask you to remember especially the sacrifices of our fallen and wounded comrades. Finally, rededicate yourselves to taking care of one another and ensuring we remain the finest warfighting organization in the world.

Happy Birthday Marines, Semper Fidelis, and Keep Attacking!

M. W. Hagee
General, U.S. Marine Corps

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LETTER SUBMITTED FOR THE RECORD

Mr. TIGUE submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

STATEMENT BY DEMOCRATIC LEADER

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

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

It is indeed an honor for me to follow retired colonel Tom Tigue, United States Marine Corps, who went in harm's way many years ago.

My observations are to be very, very brief, and in fact they will only include the introduction of two Marines to continue a tradition. On the Marine Corps birthday all over the world, whether it is in an Embassy in Afghanistan or Uganda or whether it is in Fallujah tonight or Washington, DC, or Camp Pendleton, wherever Marines are gathered, there is a birthday celebration, and a tradition is that the oldest enlisted Marine in the group rise and make an observation and that the youngest Marine in the group rise and make a celebratory comment about the Corps.

I am honored to ask my fellow Marine veteran, Merle Phillips, to rise as the oldest Marine in the room and follow the tradition of the Corps by making one or two brief observations.

STATEMENT BY MR. PHILLIPS

Mr. PHILLIPS. Thank you, Representative DeWeese. I really appreciate that.

Today we celebrate 229 years of the Marine Corps. For 229 years the Marines have proudly been serving our country, and as some of us remember, they distinguished themselves in World War II, especially in the Pacific theater, during Korea, Vietnam, the Persian Gulf, and they continue today fighting terrorism, al Qaeda, and keeping the peace in hotspots around the world.

We are so very proud of our Marines — past, present, and future. We have a bond, a camaraderie that few groups of men have. We are and still are Marines.

Two weeks ago I visited the Washington, DC, area, and I spent some time at the memorials in Washington — it is the World War II Memorial, the Vietnam Memorial, the Korean Memorial, and the Marine Corps Memorial — and as I visited there, you get into a quiet place, and as you move around you come in contact with fellow servicemen and fellow Marines. You talk to each other, somebody you did not meet before, and there is a real, real bond that exists. You may not see them again, but that bond is there while you are there visiting.

This year the Marine Commandant, and we heard earlier Gen. M. W. Hagee, said in his annual birthday message that "The bravery, heroism, and selflessness of all Marines — wherever they are serving — have added significantly to our rich legacy and measured up to the high standards that have come to epitomize all who wear the Eagle, Globe, and Anchor," and I could not agree more.

As Marines, we have learned the unbroken tradition of proud and loyal service. We learned above all else duty, honor, and

country, and we strove to honor that commitment. And it is an honor for me to serve with the Marines that are in this House today, and we have a special bond and a special camaraderie.

Thank you very much.

STATEMENT BY MR. WHEATLEY

Mr. DeWEESE. Mr. Speaker, my final task would be to introduce the youngest enlisted Marine here on the floor, and I would like to also thank Representatives Goodman, Belfanti, Readshaw, and Armstrong for their service to the United States Marines. It is a very small group, but the advertisements encapsulate that spirit — the few and the proud.

And I am very proud to introduce one of my hard-charging young colleagues who served in Desert Storm over a decade ago and continues his public service with us, the indomitable young Marine from Allegheny County, Jake Wheatley, corporal, United States Marines.

Mr. WHEATLEY. Thank you, Representative DeWeese.

Mr. Speaker, I am honored and almost without words, because every year this day comes by, I look back on my service, and as a young man I really did not know what I was doing when I enlisted in the Marine Corps. But the years that I spent in the Marine Corps helped shape me, I believe, and at least added some focus to my life, and the things that I have learned while I was there as a Marine, I am constantly relying on it now. I see more and more the things of having a commitment to someone or something other than yourself and working on the side of a team and learning to do things despite the obstacles and the challenges that are presented before you. And now in this time when we see more and more of our young men and women across the seas in harm's way — every day I look at the news and you hear about someone being hurt or someone maybe paying the ultimate price — it just makes me more committed to the ideals of this country.

The ultimate honor that I have had in my life is the honor to serve others, and the Marine Corps gave me that option, and today I just want to thank it for being here and thank the men and women who helped raise me up in the ways of the Marine Corps, and I look forward to those gentlemen and women here who have sacrificed the same way I have in the Marine Corps. But we all are serving one of the core, I guess, core components of the Marine Corps, and that is the service to a greater good, to this country. And I just keep reminding myself, every day while I was in basic training, or boot camp is what they call it in the Marine Corps, my drill instructor used to say four things which are the ultimate for Marines: We service our God, our country, our families, and our corps. And those things are true today. We service our God, we service our country, our families, and for us now, I guess, the body of this House, and I just respect it and I look forward to serving with you men and women for many years to come.

Thank you again.

STATEMENT BY MRS. MILLER

The SPEAKER. For what purpose does the gentlelady from Berks, Mrs. Miller, rise?

Mrs. MILLER. Thank you, Mr. Speaker.

In followup to the ceremony honoring the Marine Corps birthday today, I wanted to share with the members that this

morning my dad, who is a World War II 4th Marine Division Marine who received a Purple Heart for his efforts on Iwo Jima – he was in the first wave that hit the beaches – received a very special honor, a visit by Col. Frank Ryan, who is being deployed to Baghdad, Iraq, and he visited my father and thanked him for his years of service and presented him with a flag, a U.S. flag, that was flown over the Marine war memorial monument. Mr. Speaker, that was a great honor for my dad, and we certainly appreciate all of the efforts of the Marines today that are serving our country and keeping us free, and we certainly hope that the Pennsylvanians who are being deployed return home safely.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

STATEMENT BY MR. BASTIAN

The SPEAKER. The gentleman, Mr. Bastian, from Somerset. Mr. BASTIAN. Thank you, Mr. Speaker.

I think we are all proud of the fact that the Marines are having their birthday, but with Veterans Day tomorrow, I think it is wise to honor all five branches of the service. Maybe members and also staff people who served in the service could stand for a round of applause.

Thank you, Mr. Speaker.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1209, PN 1885**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. S. SMITH offered the following amendment No. **A4298**:

Amend Title, page 1, line 7, by inserting after "records"
, for slot machine licensee financial fitness

Amend Title, page 1, line 11, by inserting after "PENALTIES"
, for background checks, for fingerprints

Amend Bill, page 1, lines 15 through 19; pages 2 through 27, lines 1 through 30; page 28, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "controlling interest," "institutional investor," "licensed facility" and "supplier" in section 1103 of Title 4 of the Pennsylvania Consolidated Statutes, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding a definition to read:

§ 1103. Definitions.

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

"Controlling interest." A person shall be deemed to have [the ability to control a publicly traded corporation, or to elect] a controlling interest in an entity if the person's sole voting rights, as provided by applicable State law or corporate articles or bylaws, entitle the person to elect or appoint one or more of the members of its board of directors [, if such holder] or other governing body or if the person owns or beneficially holds 5% or more of the securities of [such] a publicly traded domestic or foreign corporation[,] or holds 5% or more ownership or voting interest in a partnership, limited liability company or any other form of legal entity, unless such presumption of control or ability to elect is rebutted by clear and convincing evidence. [A person who is a holder of securities of a privately held domestic or foreign corporation, partnership, limited liability company or any other form of legal entity shall be deemed to possess a controlling interest unless such presumption of control is rebutted by clear and convincing evidence.]

"Institutional investor." Any retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees, investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, banking and other chartered or licensed lending institution[, investment advisor registered under The Investment Advisors Act of 1940 (54 Stat. 847, 15 U.S.C. § 80b-1 et seq.)] and such other comparable persons as the Pennsylvania Gaming Control Board may [determine] establish by regulation consistent with this part.

"Licensed facility." The physical land-based location and associated areas at which a licensed gaming entity is authorized to place and operate slot machines. The term does not include a nonprimary location.

"Member." An individual appointed to the Pennsylvania Gaming Control Board pursuant to section 1201(b) (relating to Pennsylvania Gaming Control Board).

"Supplier." A person that sells, leases, offers or otherwise provides, distributes or services any slot machine in this Commonwealth. The term does not include a person who sells slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems.

Section 2. Section 1201 heading and (f)(3), (h)(7) and (l) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding paragraphs to read:

§ 1201. Pennsylvania Gaming Control Board [established].

(f) Qualified majority vote.—

(3) Notwithstanding any other provision [to the contrary] of this part or 65 Pa.C.S. § 1103(j) (relating to restricted activities), a member shall disclose the nature of his disqualifying interest, disqualify himself and abstain from voting in a proceeding in which his or her impartiality may be reasonably questioned, including, but not limited to, instances where he or she knows that they possess a substantial financial interest in the subject matter of the proceeding or any other interest that could be substantially affected by the outcome of the proceeding. In such circumstances in which it is a legislative appointee member that has disqualified himself or herself, the qualified majority shall consist of the remaining three legislative appointees and at least two gubernatorial appointees.

(h) [Qualifications and restrictions] Restrictions.—

[(7) At the time of appointment and annually thereafter, each member shall disclose the existence of all ownership interests in licensed facilities and all securities in any licensed entity or applicant, its affiliates or subsidiaries held by the member, the member's spouse and any minor or unemancipated children and must divest such ownership interests in licensed facilities or securities prior to an appointment becoming final. A member may not acquire any security in any licensed entity, its affiliates or subsidiaries during the member's tenure. The disclosure statement shall be filed with the executive director of the board and with the appointing authority for such member and shall be open to inspection by the public at the office of the board during the normal business hours of the board during the tenure of the member and for two years after the member leaves office.]

(7) (i) At the time of appointment, and annually thereafter, each member of the board shall disclose the existence of any financial interests and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the member or the immediate family of the member. The disclosure statement shall be filed with the executive director of the board and with the appointing authority of the member. The disclosure statement shall be open to inspection by the public at the office of the board during the normal business hours of the board during the member's term on the board and continuing for two years after the member leaves office. Prior to the member's appointment becoming final, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the member or the immediate family of the member must be divested. During the member's term and continuing for one year thereafter, the member and the immediate family of the member may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

(7.1) (i) At the time of employment, and annually thereafter, each employee or contract employee of the board shall disclose the existence of any financial interest and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the employee or contract employee or the immediate family of the employee or contract employee. The disclosure statement shall be filed with the executive

director of the board. The disclosure statement shall be open to inspection by the public at the office of the board during normal business hours of the board during the employee's or contract employee's employment with the board and continuing for two years after the employee or contract employee terminates employment with the board. Prior to commencing employment, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the employee or contract employee or the immediate family of the employee or contract employee must be divested. During the employee's or contract employee's employment and continuing for one year thereafter, the employee or contract employee and the immediate family of the employee or contract employee may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

(13) No person may be employed, whether as an employee or a contract employee, by the board until the board receives a background investigation conducted on the person in accordance with this part.

(14) No member shall hold or campaign for any other public office, hold office in any political party or political committee or actively participate in any political campaign.

(15) No employee of the board shall hold or campaign for public office, hold office in any political party or political committee or actively participate in or contribute to any political campaign.

[(I) Disclosure statements.—Members and employees of the board are subject to the provisions of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.]

Section 3. Title 4 is amended by adding sections to read:

§ 1201.1. Applicability of other statutes.

The following shall apply:

(1) The following acts shall apply to the board, its members and employees:

(i) Act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(ii) Act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(iii) The provisions of 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11 (relating to ethics standards and financial disclosure).

(2) The board shall be considered an "independent agency" for the purposes of all of the following:

(i) Act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(ii) The provisions of 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(3) The board shall be considered an "agency" for the purposes of all of the following:

(i) Act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 1201.2. Review of deeds, leases and contracts.

(a) Timing.—Review of a deed, lease or contract of the board by the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, must be completed within 30 days of delivery of the deed, lease or contract by the board to the Attorney General.

(b) Limitation.—An issue not raised by the Attorney General during the review period required by subsection (a) is deemed waived.

Section 4. Sections 1202 heading and (a), 1203 and 1206(a), (d) and (f) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1202. [General and specific powers] Powers and duties.

(a) General powers.—The board shall have general jurisdiction over all gaming activities or related activities as described in this part. The board shall be responsible to ensure the integrity of the acquisition and operation of slot machines and associated equipment and shall have jurisdiction over every aspect of the authorization and operation of slot machines. The board shall employ an executive director, chief counsel, deputies, secretaries, officers, hearing officers and agents as it may deem necessary, who shall serve at the board's pleasure. The board shall also employ other employees as it deems appropriate whose duties shall be determined by the board. The board shall establish and publish in the Pennsylvania Bulletin and on its Internet website a classification of its employees. The classification shall include the scope of the background investigations required by section 1201(h)(13) (relating to Pennsylvania Gaming Control Board) for each class of employees and contract employees of the board. In order to ensure the ability of the board to recruit and retain individuals necessary to execute its responsibilities under this part, the board shall set the classification and compensation of its employees and shall not be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as to classification and compensation for its employees and conduct its activities consistent with the practices and procedures of Commonwealth agencies. [For the purposes of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the board shall not be considered an executive or independent agency.] The board shall have such other powers and authority necessary to carry out its duties and the objectives of this part.

§ 1203. Temporary regulations.

(a) Promulgation.—[Notwithstanding any other provision of law to the contrary and in] In order to facilitate the prompt implementation of this part, [regulations promulgated by the board during the two years following the effective date of this part shall be deemed temporary regulations which shall expire no later than three years following the effective date of this part or upon promulgation of regulations as generally provided by law. The temporary regulations shall not be] the board may promulgate regulations not subject to:

(1) Sections 201 [through 205], 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) Expiration.—[The authority provided to the board to adopt temporary regulations in] Regulations promulgated in accordance with subsection (a) shall expire [two] three years from the effective date of this section. [Regulations adopted after the two-year period shall be promulgated as provided by law.]

§ 1206. Board minutes and records.

(a) Open proceedings and records.—The proceedings of the board shall be conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings). The board shall be an agency for purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. Notwithstanding any provision of law to the contrary, confidential documents relative to personal background information provided to the board pursuant to this part and any closed deliberations of the board, including disciplinary proceedings, shall be confidential and considered in closed executive session pursuant to subsection (f).]

(d) Applicant information.—

(1) The board shall [keep and] maintain a list of [all] applicants for licenses and [permits under this part together with] permits. The list shall include a record of all actions taken with respect to [the applicants, which file and record] each applicant. The list shall be open to public inspection during normal business hours of the board.

(2) Information under paragraph (1) regarding any applicant whose license or permit has been denied, revoked or not renewed shall be removed from such list after seven years from the date of the action.

(f) Confidentiality of information.—[All information contained in the application process pursuant to section 1310(a) (relating to slot machine license application character requirements) and the report of an applicant's] An applicant's proprietary information, trade secrets, architecture and engineering plans, security and surveillance systems and background investigation, furnished to or obtained by the board or the bureau from any source shall be considered confidential, [and shall be withheld from public disclosure in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency or shall be released to the public, in whole or in part, to the extent that such release is requested by an applicant and does not otherwise contain confidential information about another person. The board may not require any applicant to waive any confidentiality provided for in this subsection as a condition for the approval of a license or any other action of the board. Any person who violates this subsection shall be administratively disciplined by discharge, suspension or other formal disciplinary action as the board deems appropriate.]

Section 4.1. Section 1313 of Title 4 is amended by adding a subsection to read:

§ 1313. Slot machine license application financial fitness requirements.

(b.1) Financial backer exclusion.—

(1) Except as set forth in paragraph (2), the financial backers of an applicant or licensee may not include a retirement fund established for the benefit of employees and retirees of:

(i) the Commonwealth;

(ii) any public authority, commission, board or agency, established by the Commonwealth; or

(iii) a political subdivision of the Commonwealth or a public authority established by a political subdivision of the Commonwealth.

(2) Paragraph (1) does not apply to the extent that the financial backing from the retirement fund arises from securities which are:

(i) registered with the Securities and Exchange Commission; and

(ii) purchased by the retirement fund in the secondary market.

Section 4.2. Section 1317 of Title 4, added July 5, 2004 (P.L.572, No.71), is amended to read:

§ 1317. Supplier [and manufacturer] licenses [application].

(a) Application.—[Any] A person seeking to provide slot machines or associated equipment to a slot machine licensee within this Commonwealth [or to manufacture slot machines for use in this Commonwealth] shall apply to the board for [either] a supplier [or manufacturer] license. [No person, its affiliate, intermediary, subsidiary or holding company who has applied for or is a holder of a manufacturer or slot machine license shall be eligible to apply for or hold a supplier license. A supplier licensee shall establish a principle place of business in this Commonwealth within one year of issuance of its supplier license and maintain such during the period in which the license is held. No slot machine licensee shall enter into any sale, lease, contract or any other type of agreement providing slot machines, progressive slot machines, parts or associated equipment for use or play with any person other than a supplier licensed pursuant to this section. Slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems are excluded from any requirements that they be provided through a licensed supplier as set forth in this part.]

(b) Requirements.—[The application for a supplier or manufacturer license shall include, at a minimum:] The application for a supplier license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant[,] and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of [the applicant] each business; and a list of employees and their positions within [the] each business, as well as any financial information required by the board.

(1.1) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(2) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all information necessary for the completion of the background investigation.

(3) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(4) The type of goods and services to be supplied [or manufactured] and whether those goods and services will be provided through purchase, lease, contract or otherwise.

(5) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a supplier license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a supplier license, a supplier licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's supplier license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the supplier license, the supplier license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No person may provide slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a supplier license under this section or a manufacturer license under section 1317.1 (relating to manufacturer licenses).

(2) No slot machine licensee may acquire, purchase or lease slot machines or associated equipment from a person unless the person has been issued a supplier license under this section or a manufacturer license under section 1317.1.

Section 5. Title 4 is amended by adding a section to read:

§ 1317.1. Manufacturer licenses.

(a) Application.—A person seeking to manufacture slot machines for use in this Commonwealth and to provide slot machines or associated equipment to a slot machine licensee within this Commonwealth shall apply to the board for a manufacturer license.

(b) Requirements.—The application for a manufacturer license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of each business; and a list of employees and their positions within each business, as well as any financial information required by the board.

(2) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(3) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all information necessary for the completion of the background investigation.

(4) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(5) The type of slot machines or associated equipment to be manufactured and supplied and whether those slot machines or associated equipment will be provided through purchase, lease, contract or otherwise.

(6) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a manufacturer license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a manufacturer license, a manufacturer licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's manufacturer license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the manufacturer license, the manufacturer license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No person may manufacture and provide slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a manufacturer license under this section.

(2) No slot machine licensee may acquire, purchase or lease slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a manufacturer license under this section or a supplier license under section 1317 (relating to supplier licenses).

Section 6. Sections 1318, 1506 and 1512 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1318. Occupation [permit application] permits.

(a) Application.—[Any person] An individual who desires to be a gaming employee and has a bona fide offer of employment from a licensed gaming entity shall apply to the board for an occupation permit. [A person may not be employed as a gaming employee unless and until that person holds an appropriate occupation permit issued under this section. The board may promulgate regulations to reclassify a category of nongaming employees or gaming employees upon a finding that the reclassification is in the public interest and consistent with the objectives of this part.]

(b) Requirements.—[The application for an occupation permit shall include, at a minimum:] The application for an occupation permit shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and home address of the [person] individual.

(2) The previous employment history of the [person] individual.

(3) The criminal history record of the [person] individual, as well as the [person's] individual's consent for the Pennsylvania State Police to conduct a background investigation.

(4) A photograph and handwriting exemplar of the [person] individual.

(5) Evidence of the offer of employment and the nature and scope of the proposed duties of the [person] individual, if known.

(6) The details of any occupation permit or similar license granted or denied to the permit applicant in other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to obtain copies of applications submitted or permits or licenses issued in connection therewith.

(7) Any other information determined by the board to be appropriate.

[(c) Prohibition.—No slot machine licensee may employ or permit any person under 18 years of age to render any service whatsoever in any area of its licensed facility at which slot machines are physically located.]

(c.1) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the permit applicant an occupation permit consistent with all of the following:

(1) The occupation permit shall be for a period of one year. Upon expiration, an occupation permit may be renewed in accordance with subsection (d).

(2) The occupation permit shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of an occupation permit, an individual holding an occupation permit and seeking renewal of the occupation permit shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the occupation permit. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the occupation permit, the occupation permit shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No slot machine licensee may employ or permit any person under 18 years of age to render any service in any area of its licensed facility at which slot machines are physically located.

(2) No slot machine licensee may employ an individual as a gaming employee unless the individual has been issued an occupation permit under this section.

§ 1506. [Local land use preemption] Preemption.

[The conduct of gaming as permitted under this part, including the physical location of any licensed facility.] (a) Regulation.—Gaming authorized by this part shall not be prohibited or, except as provided in subsection (b), otherwise regulated by any ordinance, home rule charter provision, resolution, rule or regulation of any [political subdivision or any local or State instrumentality or authority that relates to zoning or land use to the extent that the licensed facility has been approved by the board.] municipality.

(b) Land use.—

(1) Except as provided in paragraph (2), any zoning and land use ordinances, home rule charter provisions, resolutions, rules or regulations of any municipality shall not apply to property upon which a licensed facility or licensed racetrack is or will be located. The board may [in its discretion consider such] consider local zoning ordinances when considering an application for a slot machine license. The board shall provide the political subdivision, within which an applicant for a slot machine license has proposed to locate a licensed [gaming] facility, a 60-day comment period prior to the board's final approval, condition or denial of approval of its application for a slot machine license. The political subdivision may make recommendations to the board for improvements to the applicant's proposed site plans that take into account the impact on the local community[, including, but not limited to, land use and transportation impact. This section shall also apply to any proposed racetrack or licensed racetrack.]

(2) Plans and ordinances adopted by a municipality in accordance with the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, shall apply to property upon which a licensed facility or licensed racetrack is or will be located.

§ 1512. [Public official financial interest] Financial interests and complimentary services and discounts.

[(a) General rule.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level State employee, public official, party officer or immediate family member thereof shall have, at or following the effective date of this part, a financial interest in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company, thereof, or any such applicant, nor solicit or accept, directly or indirectly, any complimentary service or discount from any licensed racing entity or licensed gaming entity which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances during his or her status as an executive-level State employee, public official or party officer and for one year following termination of the person's status as an executive-level State employee, public official or party officer.]

(a) Financial interests.—An executive-level State employee, public official or party officer, or an immediate family member thereof shall not do any of the following:

(1) Hold, whether directly or indirectly, a financial interest in any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or in any holding, affiliate, intermediary or subsidiary company thereof while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) Hold, whether directly or indirectly, a financial interest in any applicant for a slot machine license, manufacturer license, supplier license or racetrack or in any holding, affiliate, intermediary or subsidiary company of the applicant while the individual is an executive-level State employee, public official or

party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(a.1) Employment.—

(1) An executive-level State employee, public official or party officer shall not be employed, whether directly or indirectly, by any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) An immediate family member of an executive-level State employee, public official or party officer shall not be employed to provide services for any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the executive-level State employee, public official or party officer of the immediate family member is an executive-level State employee, public official or party officer.

(a.2) Complimentary services and discounts.—No executive-level State employee, public official or party officer, or an immediate family member thereof, shall solicit or accept, whether directly or indirectly, any complimentary service or discount from any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or from an affiliate, intermediary, subsidiary or holding company thereof which the executive-level State employee, public official or party officer, or an immediate family member thereof, knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances while the individual is an executive-level State employee, public official or party officer.

(a.3) Grading.—An individual who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(a.4) Divestiture.—An executive-level State employee, public official or party officer, or an immediate family member thereof, who holds a financial interest prohibited by this section shall divest the financial interest within three months of the effectuation of the restrictions set forth in subsection (a), as applicable.

(a.5) List of applicants.—The board shall publish monthly in the Pennsylvania Bulletin and on its Internet website a list of applicants for slot machine licenses, supplier licenses, manufacturer licenses and of the affiliates, intermediaries, subsidiaries and holding companies of the applicants.

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

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office executive staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business, with respect to any matter covered by this part or any executive employee who by virtue of his job function could influence the outcome of such a decision.

"Financial interest." Owning or holding, or being deemed to hold, debt or equity securities [exceeding 1% of the equity or fair market value of the licensed racing entity] or other ownership interest or profit interest or licensed gaming entity, its holding company, affiliate, intermediary or subsidiary business or an applicant for such a license. A financial interest shall not include any [such stock that is held in a blind trust over which the executive-level State employee, public official, party officer or immediate family member thereof may not exercise any managerial control or receive income during the tenure of office and the period under subsection (a).] debt or equity

security, or other ownership interest or profit interest, which is held or deemed to be held in any of the following manners:

(1) A blind trust over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial control or receive income during the tenure of office and the period under subsection (a).

(2) An interest held through a defined benefit pension plan or a defined contribution benefit pension plan.

(3) A tuition account plan organized and operated pursuant to section 529 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(4) A mutual fund where the interest owned by the mutual fund in a licensed gaming entity does not amount to control of the licensed gaming entity as defined by the Investment Company Act of 1940 54 Stat. 789, 15 U.S.C. § 80a-1 et seq.).

"Immediate family." A parent, spouse, minor or unemancipated child, brother or sister.

"Party officer." A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee; or a city chairman, vice chairman, counsel, secretary or treasurer of a city committee.

"Public official." Any person elected by the public or elected or appointed by a governmental body or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the Commonwealth or any political subdivision [or commissioner of any authority or joint-state commission].

Section 7. Section 1517(d) of Title 4, added July 5, 2004 (P.L.572, No.71), is amended and the section is amended by adding subsections to read:

§ 1517. Enforcement.

(c.1) Powers and duties of Attorney General.—Within the Office of Attorney General, the Attorney General shall establish a gaming division. The division shall investigate and institute criminal proceedings as authorized by subsection (d).

(d) Criminal action.—

(1) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for [any] a violation of this part.

(2) In addition to the authority conferred upon the Attorney General [by] under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and, following consultation with the appropriate district attorney, to institute criminal proceedings for [any] a violation of this part, [or any series of such violations involving any county of this Commonwealth and another state. No] A person charged with a violation of this part by the Attorney General shall not have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(d.1) Regulatory action.—Nothing contained in subsection (d) shall be construed to limit the existing regulatory or investigative authority of a department or agency of the Commonwealth whose functions relate to persons or matters falling within the scope of this part.

Section 7.1. Sections 1518, 1801 and 1802 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1518. Prohibited acts; penalties.

(a) Criminal offenses.—

(1) The provisions of 18 Pa.C.S. § 4902 (relating to perjury), 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) shall apply to any person providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General, as required by this part.

(2) It is unlawful for a person to willfully:

(i) fail to report, pay or truthfully account for and pay over any license fee, tax or assessment imposed under this part; or

(ii) attempt in any manner to evade or defeat any license fee, tax or assessment imposed under this [party] part.

(3) It is unlawful for any licensed entity, gaming employee, key employee or any other person to permit a slot machine to be operated, transported, repaired or opened on the premises of a licensed facility by a person other than a person licensed or permitted by the board pursuant to this part.

(4) It is unlawful for any licensed entity or other person to manufacture, supply or place slot machines into play or display slot machines on the premise of a licensed facility without the authority of the board.

(5) Except as provided for in section 1326 (relating to license renewals), it is unlawful for a licensed entity or other person to manufacture, supply, operate, carry on or expose for play any slot machine after the person's license has expired and prior to the actual renewal of the license.

(6) (i) Except as set forth in subparagraph (ii), it is unlawful for an individual while on the premises of a licensed facility to knowingly use currency other than lawful coin or legal tender of the United States or a coin not of the same denomination as the coin intended to be used in the slot machine[.] with the intent to cheat or defraud a licensed gaming entity or the Commonwealth or damage the slot machine.

(ii) In the playing of a slot machine, it is lawful for an individual to use gaming billets, tokens or similar objects issued by the licensed gaming entity which are approved by the board.

(7) (i) Except as set forth in subparagraph (ii), it is unlawful for an individual [on the premises of a licensed facility] to use or possess a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers at a licensed facility.

(ii) An authorized employee of a licensee or an employee of the board may possess and use a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers [only] in performance of the duties of employment.

(iii) As used in this paragraph, the term "cheating or thieving device" includes, but is not limited to, a device to facilitate the alignment of any winning combination or to remove from any slot machine money or other contents. The term includes, but is not limited to, a tool, drill, wire, coin or token attached to a string or wire and any electronic or magnetic device.

(8) (i) Except as set forth in subparagraph (ii), it is unlawful for an individual to knowingly possess or use while on the premises of a licensed facility a key or device designed for the purpose of and suitable for

opening or entering any slot machine or coin box which is located on the premises of the licensed facility.

(ii) An authorized employee of a licensee or a member of the board may possess and use a device referred to in subparagraph (i) [only] in the performance of the duties of employment.

(9) It is unlawful for a person or licensed entity to possess any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of the provisions of this part[.] with the intent to use the device, equipment or material as though it had been manufactured, distributed, sold, tampered with or serviced pursuant to this part.

(9.1) It is unlawful for a person to sell, offer for sale, represent or pass off as lawful any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of this part.

(10) It is unlawful for an individual to work or be employed in a position the duties of which would require licensing or permitting under the provisions of this part without first obtaining the requisite license or permit [as provided for in] issued under the provisions of this part.

(11) It is unlawful for a licensed gaming entity that is a licensed racing entity and that has lost the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission under the Race Horse Industry Reform Act or that has had that license suspended to operate slot machines at the racetrack for which its slot machine license was issued unless the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission will be subsequently reissued or reinstated within 30 days after the loss or suspension.

(12) It is unlawful for a licensed entity to employ or continue to employ an individual in a position the duties of which require a license or permit under the provisions of this part if the individual:

(i) [An individual] is not licensed or permitted under the provisions of this part.

(ii) [An individual who is] is prohibited from accepting employment from a licensee.

(13) It is unlawful for any person under 18 years of age to be permitted in the area of a licensed facility where slot machines are operated.

(b) Criminal penalties and fines.—

(1) (i) A person [that violates subsection (a)(1)] commits an offense to be graded in accordance with 18 Pa.C.S. § 4902, 4903 or 4904, as applicable, for a first conviction.] who commits a first offense in violation of 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits an offense to be graded in accordance with the applicable section violated. A person that is convicted of a second or subsequent violation of [subsection (a)(1)] 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits a felony of the second degree.

(ii) A person that violates subsection (a)(2) through (12) commits a misdemeanor of the first degree. A person that is convicted of a second or subsequent violation of subsection (a)(2) through (12) commits a felony of the second degree.

(2) (i) For a first violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$75,000 nor more than \$150,000 if the person is an individual;

(B) not less than \$300,000 nor more than \$600,000 if the person is a licensed gaming entity; or

(C) not less than \$150,000 nor more than \$300,000 if the person is a licensed manufacturer or supplier.

(ii) For a second or subsequent violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$150,000 nor more than \$300,000 if the person is an individual;

(B) not less than \$600,000 nor more than \$1,200,000 if the person is a licensed gaming entity; or

(C) not less than \$300,000 nor more than \$600,000 if the person is a licensed manufacturer or supplier.

(c) Board-imposed administrative sanctions.—

(1) In addition to any other penalty authorized by law, the board may impose without limitation the following sanctions upon any licensee or permittee:

(i) Revoke the license or permit of any person convicted of a criminal offense under this part or regulations promulgated under this part or committing any other offense or violation of this part or applicable law which would otherwise disqualify such person from holding the license or permit.

(ii) Revoke the license or permit of any person determined to have violated a provision of this part or regulations promulgated under this part which would otherwise disqualify such person from holding the license or permit.

(iii) Revoke the license or permit of any person for willfully and knowingly violating or attempting to violate an order of the board directed to such person.

(iv) Suspend the license or permit of any person pending the outcome of a hearing in any case in which license or permit revocation could result.

(v) Suspend the license of any licensed gaming entity for violation of or attempting to violate any provisions of this part or regulations promulgated under this part relating to its slot machine operations.

(vi) Assess administrative penalties as necessary to punish misconduct and to deter future violations.

(vii) Order restitution of any moneys or property unlawfully obtained or retained by a licensee or permittee.

(viii) Enter cease and desist orders which specify the conduct which is to be discontinued, altered or implemented by the licensee or permittee.

(ix) Issue letters of reprimand or censure, which letters shall be made a permanent part of the file of each licensee or permittee so sanctioned.

(2) If the board refuses to issue or renew a license or permit, suspends or revokes a license or permit, assesses civil penalties, orders restitution, enters a cease and desist order or issues a letter of reprimand or censure, it shall provide the applicant or licensee or permittee with written notification of its decision, including a statement of the reasons for its decision by certified mail within five business days of the decision. Any applicant or licensee or permittee who has received notice of a refusal, suspension or revocation of a license or permit, the assessment of civil penalties, an order of restitution, the entrance of a cease and desist order or the issuance of a letter of reprimand

or censure from the board shall have the right to an administrative hearing before the board in accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

(3) In addition to any other fines or penalties that the board may impose under this part or regulation, if a person violates subsection (a)(2), the board shall impose an administrative penalty of three times the amount of the license fee, tax or other assessment evaded and not paid, collected or paid over. This subsection is subject to 2 Pa.C.S. Chs. 5 Subch. A and 7 Subch. A.

§ 1801. Duty to provide.

Notwithstanding the provisions of the Race Horse Industry Reform Act or this part, the Pennsylvania State Police shall, at the request of the commissions or the board, provide criminal history background investigations, which shall include records of criminal arrests [or] and convictions, no matter where occurring, including Federal criminal history record information, on applicants for licensure and permit applicants by the respective agencies pursuant to the Race Horse Industry Reform Act or this part. Requests for criminal history background investigations may, at the direction of the commissions or the board, include, but not be limited to, officers, directors and stockholders of licensed corporations, key employees, financial backers, gaming employees, horse owners, trainers, jockeys, drivers and other persons participating in thoroughbred or harness horse meetings and other persons and vendors who exercise their occupation or employment at such meetings, licensed facilities or licensed [racetrack] racetracks. For the purposes of this [chapter] part, the board and commissions may receive and retain information otherwise protected by 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

§ 1802. Submission of fingerprints.

[Applicants] Appointees, employees and prospective employees engaged in the service of the commissions or the board, and applicants under this part shall submit to fingerprinting and photographing by the Pennsylvania State Police[,] or by a local law enforcement agency capable of submitting fingerprints and photographs electronically to the Pennsylvania State Police utilizing the Integrated Automated Fingerprint Identification System and the Commonwealth Photo Imaging System or in a manner and in such form as may be provided by the Pennsylvania State Police. Fingerprinting pursuant to this part shall require, at a minimum, the submission of a full set of fingerprints. Photographing pursuant to this part shall require submission to photographs of the face and any scars, marks or tattoos for purposes of comparison utilizing an automated biometric imaging system. The Pennsylvania State Police shall submit [the] fingerprints [if necessary] as required by this part or when requested by the commissions or the board to the Federal Bureau of Investigation for purposes of verifying the identity of the applicants and obtaining records of criminal arrests and convictions in order to prepare criminal history background investigations under section 1801 (relating to duty to provide). [The] Fingerprints and photographs obtained pursuant to this part may be maintained by the commissions, the board and the Pennsylvania State Police for use pursuant to this part and for general law enforcement purposes. In addition to any other fee or cost assessed by the commissions or the board, an applicant shall pay for the cost of fingerprinting and photographing.

Section 8. Section 911(h)(1) of Title 18 is amended to read:

§ 911. Corrupt organizations.

(h) Definitions.—As used in this section:

(1) "Racketeering activity" means all of the following:

(i) [any] An act which is indictable under any of the following provisions of this title:

Chapter 25 (relating to criminal homicide)

Section 2706 (relating to terroristic threats)

Chapter 29 (relating to kidnapping)

Chapter 33 (relating to arson, etc.)

Chapter 37 (relating to robbery)

Chapter 39 (relating to theft and related offenses)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Section 4117 (relating to insurance fraud)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to falsification and intimidation)

Section 5111 (relating to dealing in proceeds of unlawful activities)

Section 5512 through 5514 (relating to gambling)

Chapter 59 (relating to public indecency),

(ii) [any] An offense indictable under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act (relating to the sale and dispensing of narcotic drugs)[.];

(iii) [any] A conspiracy to commit any of the offenses set forth in subparagraphs (i) [and (ii) of this paragraph; or], (ii) or (v).

(iv) [the] The collection of any money or other property in full or partial satisfaction of a debt which arose as the result of the lending of money or other property at a rate of interest exceeding 25% per annum or the equivalent rate for a longer or shorter period, where not otherwise authorized by law.

(v) An offense indictable under 4 Pa.C.S. Pt. II (relating to gaming).

[Any] An act which otherwise would be considered racketeering activity by reason of the application of this paragraph, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

On the question,

Will the House agree to the amendment?

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

The House will be at ease just for one moment.

AMENDMENT WITHDRAWN

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

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

Mr. Speaker, if you would, we would prefer to run amendment 4451, Mr. Speaker.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. S. SMITH offered the following amendment No. A4451:

Amend Title, page 1, line 7, by inserting after "records"
, for slot machine licensee financial fitness

Amend Title, page 1, line 11, by inserting after "PENALTIES"
, for background checks, for fingerprints

Amend Bill, page 1, lines 15 through 19; pages 2 through 27, lines 1 through 30; page 28, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "controlling interest," "institutional investor," "licensed facility" and "supplier" in section 1103 of Title 4 of the Pennsylvania Consolidated Statutes, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding a definition to read:

§ 1103. Definitions.

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

"Controlling interest." A person shall be deemed to have [the ability to control a publicly traded corporation, or to elect] a controlling interest in an entity if the person's sole voting rights, as provided by applicable State law or corporate articles or bylaws, entitle the person to elect or appoint one or more of the members of its board of directors [, if such holder] or other governing body or if the person owns or beneficially holds 5% or more of the securities of [such] a publicly traded domestic or foreign corporation[,], or holds 5% or more ownership or voting interest in a partnership, limited liability company or any other form of legal entity, unless such presumption of control or ability to elect is rebutted by clear and convincing evidence. [A person who is a holder of securities of a privately held domestic or foreign corporation, partnership, limited liability company or any other form of legal entity shall be deemed to possess a controlling interest unless such presumption of control is rebutted by clear and convincing evidence.]

"Institutional investor." Any retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees, investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, banking and other chartered or licensed lending institution[, investment advisor registered under The Investment Advisors Act of 1940 (54 Stat. 847, 15 U.S.C. § 80b-1 et seq.)] and such other comparable persons as the Pennsylvania Gaming Control Board may [determine] establish by regulation consistent with this part.

"Licensed facility." The physical land-based location and associated areas at which a licensed gaming entity is authorized to place and operate slot machines. The term does not include a nonprimary location.

"Member." An individual appointed to the Pennsylvania Gaming Control Board pursuant to section 1201(b) (relating to Pennsylvania Gaming Control Board).

"Supplier." A person that sells, leases, offers or otherwise provides, distributes or services any slot machine in this Commonwealth. The term does not include a person who sells slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems.

Section 2. Section 1201 heading and (f)(3), (h)(7) and (l) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding paragraphs to read:

§ 1201. Pennsylvania Gaming Control Board [established].

(f) Qualified majority vote.—

(3) Notwithstanding any other provision [to the contrary] of this part or 65 Pa.C.S. § 1103(i) (relating to restricted activities), a member shall disclose the nature of his disqualifying interest, disqualify himself and abstain from voting in a proceeding in which his or her impartiality may be reasonably questioned, including, but not limited to, instances where he or she knows that they possess a substantial financial interest in the subject matter of the proceeding or any other interest that could be substantially affected by the outcome of the proceeding. In such circumstances in which it is a legislative appointee member that has disqualified himself or herself, the qualified majority shall consist of the remaining three legislative appointees and at least two gubernatorial appointees.

(h) [Qualifications and restrictions] Restrictions.—

[(7) At the time of appointment and annually thereafter, each member shall disclose the existence of all ownership interests in licensed facilities and all securities in any licensed entity or applicant, its affiliates or subsidiaries held by the member, the member's spouse and any minor or unemancipated children and must divest such ownership interests in licensed facilities or securities prior to an appointment becoming final. A member may not acquire any security in any licensed entity, its affiliates or subsidiaries during the member's tenure. The disclosure statement shall be filed with the executive director of the board and with the appointing authority for such member and shall be open to inspection by the public at the office of the board during the normal business hours of the board during the tenure of the member and for two years after the member leaves office.]

(7) (i) At the time of appointment, and annually thereafter, each member of the board shall disclose the existence of any financial interests and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the member or the immediate family of the member. The disclosure statement shall be filed with the executive director of the board and with the appointing authority of the member. The disclosure statement shall be open to inspection by the public at the office of the board during the normal business hours of the board during the member's term on the board and continuing for two years after the member leaves office. Prior to the member's appointment becoming final, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the member or the immediate family of the member must be divested. During the member's term and continuing for one year thereafter, the member and the immediate family of the member may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

(7.1) (i) At the time of employment, and annually thereafter, each employee or contract employee of the board shall disclose the existence of any financial interest and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the employee or contract employee or the immediate family of the employee or contract employee. The disclosure statement shall be filed with the executive director of the board. The disclosure statement shall be open to inspection by the public at the office of the board during normal business hours of the board during the employee's or contract employee's employment with the board and continuing for two years after the employee or contract employee terminates employment with the board. Prior to commencing employment, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the employee or contract employee or the immediate family of the employee or contract employee must be divested. During the employee's or contract employee's employment and continuing for one year thereafter, the employee or contract employee and the immediate family of the employee or contract employee may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

(13) No person may be employed, whether as an employee or a contract employee, by the board until the board receives a background investigation conducted on the person in accordance with this part.

(14) No member shall hold or campaign for any other public office, hold office in any political party or political committee or actively participate in any political campaign.

(15) No employee of the board shall hold or campaign for public office, hold office in any political party or political committee or actively participate in or contribute to any political campaign.

[(l) Disclosure statements.—Members and employees of the board are subject to the provisions of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.]

Section 3. Title 4 is amended by adding sections to read:

§ 1201.1. Applicability of other statutes.

The following shall apply:

(1) The following acts shall apply to the board, its members and employees:

(i) Act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(ii) Act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(iii) The provisions of 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11 (relating to ethics standards and financial disclosure).

(2) The board shall be considered an "independent agency" for the purposes of all of the following:

(i) Act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(ii) The provisions of 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(3) The board shall be considered an "agency" for the purposes of all of the following:

(i) Act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 1201.2. Review of deeds, leases and contracts.

(a) Timing.—Review of a deed, lease or contract of the board by the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, must be completed within 30 days of delivery of the deed, lease or contract by the board to the Attorney General.

(b) Limitation.—An issue not raised by the Attorney General during the review period required by subsection (a) is deemed waived.

Section 4. Sections 1202 heading and (a), 1203 and 1206(a), (d) and (f) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1202. [General and specific powers] Powers and duties.

(a) General powers.—The board shall have general jurisdiction over all gaming activities or related activities as described in this part. The board shall be responsible to ensure the integrity of the acquisition and operation of slot machines and associated equipment and shall have jurisdiction over every aspect of the authorization and operation of slot machines. The board shall employ an executive director, chief counsel, deputies, secretaries, officers, hearing officers and agents as it may deem necessary, who shall serve at the board's pleasure. The board shall also employ other employees as it deems appropriate whose duties shall be determined by the board. The board shall establish and publish in the Pennsylvania Bulletin and on its Internet website a classification of its employees. The classification shall include the scope of the background investigations required by section 1201(h)(13) (relating to Pennsylvania Gaming Control Board) for each class of employees and contract employees of the board. In order to ensure the ability of the board to recruit and retain individuals necessary to execute its responsibilities under this part, the board shall set the classification and compensation of its employees and shall not be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as to classification and compensation for its employees and conduct its activities consistent with the practices and procedures of Commonwealth agencies. [For the purposes of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the board shall not be considered an executive or independent agency.] The board shall have such other powers and authority necessary to carry out its duties and the objectives of this part.

§ 1203. Temporary regulations.

(a) Promulgation.—[Notwithstanding any other provision of law to the contrary and in] In order to facilitate the prompt implementation of this part, [regulations promulgated by the board during the two years following the effective date of this part shall be deemed temporary regulations which shall expire no later than three years following the effective date of this part or upon promulgation of regulations as generally provided by law. The temporary regulations shall not be] the board may promulgate regulations not subject to:

(1) Sections 201 [through 205], 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) Expiration.—[The authority provided to the board to adopt temporary regulations in] Regulations promulgated in accordance with subsection (a) shall expire [two] three years from the effective date of this section. [Regulations adopted after the two-year period shall be promulgated as provided by law.]

§ 1206. Board minutes and records.

[(a) Open proceedings and records.—The proceedings of the board shall be conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings). The board shall be an agency for purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. Notwithstanding any provision of law to the contrary, confidential documents relative to personal background information provided to the board pursuant to this part and any closed deliberations of the board, including disciplinary proceedings, shall be confidential and considered in closed executive session pursuant to subsection (f).]

(d) Applicant information.—

(1) The board shall [keep and] maintain a list of [all] applicants for licenses and [permits under this part together with] permits. The list shall include a record of all actions taken with respect to [the applicants, which file and record] each applicant. The list shall be open to public inspection during normal business hours of the board.

(2) Information under paragraph (1) regarding any applicant whose license or permit has been denied, revoked or not renewed shall be removed from such list after seven years from the date of the action.

(f) Confidentiality of information.—[All information contained in the application process pursuant to section 1310(a) (relating to slot machine license application character requirements) and the report of an applicant's] An applicant's proprietary information, trade secrets, architecture and engineering plans, security and surveillance systems and background investigation, furnished to or obtained by the board or the bureau from any source shall be considered confidential, [and shall be withheld from public disclosure in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency or shall be released to the public, in whole or in part, to the extent that such release is requested by an applicant and does not otherwise contain confidential information about another person. The board may not require any applicant to waive any confidentiality provided for in this subsection as a condition for the approval of a license or any other action of the board. Any person who violates this subsection shall be administratively disciplined by discharge, suspension or other formal disciplinary action as the board deems appropriate.]

Section 4.1. Section 1313 of Title 4 is amended by adding a subsection to read:

§ 1313. Slot machine license application financial fitness requirements.

(b.1) Financial backer exclusion.—

(1) Except as set forth in paragraph (2), the financial backers of an applicant or licensee may not include a retirement fund established for the benefit of employees and retirees of:

- (i) the Commonwealth;
- (ii) any public authority, commission, board or agency, established by the Commonwealth; or
- (iii) a political subdivision of the Commonwealth or a public authority established by a political subdivision of the Commonwealth.

(2) Paragraph (1) does not apply to the extent that the financial backing from the retirement fund arises from securities which are:

- (i) registered with the Securities and Exchange Commission; and
- (ii) purchased by the retirement fund in the secondary market.

Section 4.2. Section 1317 of Title 4, added July 5, 2004 (P.L.572, No.71), is amended to read:

§ 1317. Supplier [and manufacturer] licenses [application].

(a) Application.—[Any] A person seeking to provide slot machines or associated equipment to a slot machine licensee within this Commonwealth [or to manufacture slot machines for use in this Commonwealth] shall apply to the board for [either] a supplier [or manufacturer] license. [No person, its affiliate, intermediary, subsidiary or holding company who has applied for or is a holder of a manufacturer or slot machine license shall be eligible to apply for or hold a supplier license. A supplier licensee shall establish a principle place of business in this Commonwealth within one year of issuance of its supplier license and maintain such during the period in which the license is held. No slot machine licensee shall enter into any sale, lease, contract or any other type of agreement providing slot machines, progressive slot machines, parts or associated equipment for use or play with any person other than a supplier licensed pursuant to this section. Slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems are excluded from any requirements that they be provided through a licensed supplier as set forth in this part.]

(b) Requirements.—[The application for a supplier or manufacturer license shall include, at a minimum:] The application for a supplier license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant[, and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of [the applicant] each business; and a list of employees and their positions within [the] each business, as well as any financial information required by the board.

(1.1) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(2) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all information necessary for the completion of the background investigation.

(3) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(4) The type of goods and services to be supplied [or manufactured] and whether those goods and services will be provided through purchase, lease, contract or otherwise.

(5) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a supplier license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a supplier license, a supplier licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's supplier license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the supplier license, the supplier license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No person may provide slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a supplier license under this section or a manufacturer license under section 1317.1 (relating to manufacturer licenses).

(2) No slot machine licensee may acquire, purchase or lease slot machines or associated equipment from a person unless the person has been issued a supplier license under this section or a manufacturer license under section 1317.1.

Section 5. Title 4 is amended by adding a section to read:

§ 1317.1. Manufacturer licenses.

(a) Application.—A person seeking to manufacture slot machines for use in this Commonwealth and to provide slot machines or associated equipment to a slot machine licensee within this Commonwealth shall apply to the board for a manufacturer license.

(b) Requirements.—The application for a manufacturer license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of each business; and a list of employees and their positions within each business, as well as any financial information required by the board.

(2) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(3) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all information necessary for the completion of the background investigation.

(4) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(5) The type of slot machines or associated equipment to be manufactured and supplied and whether those slot machines or associated equipment will be provided through purchase, lease, contract or otherwise.

(6) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a manufacturer license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a manufacturer license, a manufacturer licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's manufacturer license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the manufacturer license, the manufacturer license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No person may manufacture and provide slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a manufacturer license under this section.

(2) No slot machine licensee may acquire, purchase or lease slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a manufacturer license under this section or a supplier license under section 1317 (relating to supplier licenses).

Section 6. Sections 1318, 1506 and 1512 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1318. Occupation [permit application] permits.

(a) Application.—[Any person] An individual who desires to be a gaming employee and has a bona fide offer of employment from a licensed gaming entity shall apply to the board for an occupation permit. [A person may not be employed as a gaming employee unless and until that person holds an appropriate occupation permit issued under this section. The board may promulgate regulations to reclassify a category of nongaming employees or gaming employees upon a finding that the reclassification is in the public interest and consistent with the objectives of this part.]

(b) Requirements.—[The application for an occupation permit shall include, at a minimum:] The application for an occupation permit shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and home address of the [person] individual.

(2) The previous employment history of the [person] individual.

(3) The criminal history record of the [person] individual, as well as the [person's] individual's consent for the Pennsylvania State Police to conduct a background investigation.

(4) A photograph and handwriting exemplar of the [person] individual.

(5) Evidence of the offer of employment and the nature and scope of the proposed duties of the [person] individual, if known.

(6) The details of any occupation permit or similar license granted or denied to the permit applicant in other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to obtain copies of applications submitted or permits or licenses issued in connection therewith.

(7) Any other information determined by the board to be appropriate.

[(c) Prohibition.—No slot machine licensee may employ or permit any person under 18 years of age to render any service whatsoever in any area of its licensed facility at which slot machines are physically located.]

(c.1) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the permit applicant an occupation permit consistent with all of the following:

(1) The occupation permit shall be for a period of one year. Upon expiration, an occupation permit may be renewed in accordance with subsection (d).

(2) The occupation permit shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of an occupation permit, an individual holding an occupation permit and seeking renewal of the occupation permit shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the occupation permit. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the occupation permit, the occupation permit shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No slot machine licensee may employ or permit any person under 18 years of age to render any service in any area of its licensed facility at which slot machines are physically located.

(2) No slot machine licensee may employ an individual as a gaming employee unless the individual has been issued an occupation permit under this section.

§ 1506. [Local land use preemption] Preemption.

[The conduct of gaming as permitted under this part, including the physical location of any licensed facility,] (a) Regulation.—Gaming authorized by this part shall not be prohibited or, except as provided in subsection (b), otherwise regulated by any ordinance, home rule charter provision, resolution, rule or regulation of any [political subdivision or any local or State instrumentality or authority that relates to zoning or land use to the extent that the licensed facility has been approved by the board.] municipality.

(b) Land use.—

(1) Except as provided in paragraph (2), any zoning and land use ordinances, home rule charter provisions, resolutions, rules or regulations of any municipality shall not apply to property upon which a licensed facility or licensed racetrack is or will be located. The board may [in its discretion consider such] consider local zoning ordinances when considering an application for a slot machine license. The board shall provide the political subdivision, within which an applicant for a slot machine license has proposed to locate a licensed [gaming] facility, a 60-day comment period prior to the board's final approval, condition or denial of approval of its application for a slot machine license. The political subdivision may make recommendations to the board for improvements to the applicant's proposed site plans that take into account the impact on the local community[, including, but not limited to, land use and transportation impact. This section shall also apply to any proposed racetrack or licensed racetrack.]

(2) Plans and ordinances adopted by a municipality in accordance with the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, shall apply to property upon which a licensed facility or licensed racetrack is or will be located.

§ 1512. [Public official financial interest] Financial interests and complimentary services and discounts.

[(a) General rule.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level State employee, public official, party officer or immediate family member thereof shall have, at or following the effective date of this part, a financial interest in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company, thereof, or any such applicant, nor solicit or accept, directly or indirectly, any complimentary service or discount from any licensed racing entity or licensed gaming entity which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances during his or her status as an executive-level State employee,

public official or party officer and for one year following termination of the person's status as an executive-level State employee, public official or party officer.]

(a) Financial interests.—An executive-level State employee, public official or party officer, or an immediate family member thereof, shall not do any of the following:

(1) Hold, whether directly or indirectly, a financial interest in any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or in any holding, affiliate, intermediary or subsidiary company thereof while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) Hold, whether directly or indirectly, a financial interest in any applicant for a slot machine license, manufacturer license, supplier license or racetrack or in any holding, affiliate, intermediary or subsidiary company of the applicant while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(a.1) Employment.—

(1) An executive-level State employee, public official or party officer shall not be employed, whether directly or indirectly, by any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) An immediate family member of an executive-level State employee, public official or party officer shall not be employed to provide services for any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the executive-level State employee, public official or party officer of the immediate family member is an executive-level State employee, public official or party officer.

(a.2) Complimentary services and discounts.—No executive-level State employee, public official or party officer, or an immediate family member thereof, shall solicit or accept, whether directly or indirectly, any complimentary service or discount from any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or from an affiliate, intermediary, subsidiary or holding company thereof which the executive-level State employee, public official or party officer, or an immediate family member thereof, knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances while the individual is an executive-level State employee, public official or party officer.

(a.3) Grading.—An individual who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(a.4) Divestiture.—An executive-level State employee, public official or party officer, or an immediate family member thereof, who holds a financial interest prohibited by this section shall divest the financial interest within three months of the effectuation of the restrictions set forth in subsection (a), as applicable.

(a.5) List of applicants.—The board shall publish monthly in the Pennsylvania Bulletin and on its Internet website a list of applicants for slot machine licenses, supplier licenses, manufacturer licenses and of the affiliates, intermediaries, subsidiaries and holding companies of the applicants.

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

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office executive staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business, with respect to any matter covered by this part or any executive employee who by virtue of his job function could influence the outcome of such a decision.

"Financial interest." Owning or holding, or being deemed to hold, debt or equity securities [exceeding 1% of the equity or fair market value of the licensed racing entity or licensed gaming entity, its holding company, affiliate, intermediary or subsidiary business] or other ownership interest or profit interest. A financial interest shall not include any [such stock that is held in a blind trust over which the executive-level State employee, public official, party officer or immediate family member thereof may not exercise any managerial control or receive income during the tenure of office and the period under subsection (a).] debt or equity security, or other ownership interest or profit interest, which is held or deemed to be held in any of the following manners:

(1) A blind trust over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

(2) A defined benefit pension plan, a defined contribution benefit pension plan or another retirement plan, over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

(3) A tuition account plan organized and operated pursuant to section 529 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(4) A mutual fund where the interest owned by the mutual fund in a licensed gaming entity does not amount to control of the licensed gaming entity as defined by the Investment Company Act of 1940 54 Stat. 789, 15 U.S.C. § 80a-1 et seq.).

"Immediate family." A parent, spouse, minor or unemancipated child, brother or sister.

"Party officer." A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee; or a city chairman, vice chairman, counsel, secretary or treasurer of a city committee.

"Public official." Any person elected by the public or elected or appointed by a governmental body directly receiving revenue under this part or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof directly receiving revenue under this part, provided that it shall not include members of school boards or advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the Commonwealth or any political subdivision [or commissioner of any authority or joint-state commission].

Section 7. Section 1517(d) of Title 4, added July 5, 2004 (P.L.572, No.71), is amended and the section is amended by adding subsections to read:

§ 1517. Enforcement.

(c.1) Powers and duties of Attorney General.—Within the Office of Attorney General, the Attorney General shall establish a gaming division. The division shall investigate and institute criminal proceedings as authorized by subsection (d).

(d) Criminal action.—

(1) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for [any] a violation of this part.

(2) In addition to the authority conferred upon the Attorney General [by] under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and, following consultation with the appropriate district attorney, to institute criminal proceedings for [any] a violation of this part, [or any series of such violations involving any county of this Commonwealth and another state. No] A person charged with a violation of this part by the Attorney General shall not have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(d.1) Regulatory action.—Nothing contained in subsection (d) shall be construed to limit the existing regulatory or investigative authority of a department or agency of the Commonwealth whose functions relate to persons or matters falling within the scope of this part.

Section 7.1. Sections 1518(a) and (b), 1801 and 1802 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1518. Prohibited acts; penalties.

(a) Criminal offenses.—

(1) The provisions of 18 Pa.C.S. § 4902 (relating to perjury), 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) shall apply to any person providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General, as required by this part.

(2) It [is] shall be unlawful for a person to willfully:

(i) fail to report, pay or truthfully account for and pay over any license fee, tax or assessment imposed under this part; or

(ii) attempt in any manner to evade or defeat any license fee, tax or assessment imposed under this [party] part.

(3) It [is] shall be unlawful for any licensed entity, gaming employee, key employee or any other person to permit a slot machine to be operated, transported, repaired or opened on the premises of a licensed facility by a person other than a person licensed or permitted by the board pursuant to this part.

(4) It [is] shall be unlawful for any licensed entity or other person to manufacture, supply or place slot machines into play or display slot machines on the premise of a licensed facility without the authority of the board.

(5) Except as provided for in section 1326 (relating to license renewals), it [is] shall be unlawful for a licensed entity or other person to manufacture, supply, operate, carry on or expose for play any slot machine after the person's license has expired and prior to the actual renewal of the license.

(6) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual while on the premises of a licensed facility to knowingly use currency other than lawful coin or legal tender of the United States or a coin not of the same denomination as the coin intended to be used in the slot machine[.] with the intent to cheat or defraud a licensed gaming entity or the Commonwealth or damage the slot machine.

(ii) In the playing of a slot machine, it [is] shall be lawful for an individual to use gaming billets, tokens or similar objects issued by the licensed gaming entity which are approved by the board.

(7) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual [on the premises of a licensed facility] to use or possess a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers at a licensed facility.

(ii) An authorized employee of a licensee or an employee of the board may possess and use a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers [only] in performance of the duties of employment.

(iii) As used in this paragraph, the term "cheating or thieving device" includes, but is not limited to, a device to facilitate the alignment of any winning combination or to remove from any slot machine money or other contents. The term includes, but is not limited to, a tool, drill, wire, coin or token attached to a string or wire and any electronic or magnetic device.

(8) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual to knowingly possess or use while on the premises of a licensed facility a key or device designed for the purpose of and suitable for opening or entering any slot machine or coin box which is located on the premises of the licensed facility.

(ii) An authorized employee of a licensee or a member of the board may possess and use a device referred to in subparagraph (i) [only] in the performance of the duties of employment.

(9) It [is] shall be unlawful for a person or licensed entity to possess any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of the provisions of this part[.] with the intent to use the device, equipment or material as though it had been manufactured, distributed, sold, tampered with or serviced pursuant to this part.

(9.1) It shall be unlawful for a person to sell, offer for sale, represent or pass off as lawful any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of this part.

(10) It [is] shall be unlawful for an individual to work or be employed in a position the duties of which would require licensing or permitting under the provisions of this part without first obtaining the requisite license or permit [as provided for in] issued under the provisions of this part.

(11) It [is] shall be unlawful for a licensed gaming entity that is a licensed racing entity and that has lost the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission under the Race Horse Industry Reform Act or that has had that license suspended to operate slot machines at the racetrack for which its slot machine license was issued unless the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission will be subsequently reissued or reinstated within 30 days after the loss or suspension.

(12) It [is] shall be unlawful for a licensed entity to employ or continue to employ an individual in a position the duties of which require a license or permit under the provisions of this part if the individual:

(i) [An individual] Is not licensed or permitted under the provisions of this part.

(ii) [An individual who is] Is prohibited from accepting employment from a licensee.

(13) It [is] shall be unlawful for any person under 18 years of age to be permitted in the area of a licensed facility where slot machines are operated.

(b) Criminal penalties and fines.—

(1) (i) A person [that violates subsection (a)(1) commits an offense to be graded in accordance with 18 Pa.C.S. § 4902, 4903 or 4904, as applicable, for a first conviction.] who commits a first offense in violation of 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits an offense to be graded in accordance with the applicable section violated. A person that is convicted of a second or subsequent violation of [subsection (a)(1)] 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits a felony of the second degree.

(ii) A person that violates subsection (a)(2) through (12) commits a misdemeanor of the first degree. A person that is convicted of a second or subsequent violation of subsection (a)(2) through (12) commits a felony of the second degree.

(2) (i) For a first violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$75,000 nor more than \$150,000 if the person is an individual;

(B) not less than \$300,000 nor more than \$600,000 if the person is a licensed gaming entity; or

(C) not less than \$150,000 nor more than \$300,000 if the person is a licensed manufacturer or supplier.

(ii) For a second or subsequent violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$150,000 nor more than \$300,000 if the person is an individual;

(B) not less than \$600,000 nor more than \$1,200,000 if the person is a licensed gaming entity; or

(C) not less than \$300,000 nor more than \$600,000 if the person is a licensed manufacturer or supplier.

§ 1801. Duty to provide.

Notwithstanding the provisions of the Race Horse Industry Reform Act or this part, the Pennsylvania State Police shall, at the request of the commissions or the board, provide criminal history background investigations, which shall include records of criminal arrests [or] and convictions, no matter where occurring, including Federal criminal history record information, on applicants for licensure and permit applicants by the respective agencies pursuant to the Race Horse Industry Reform Act or this part. Requests for criminal history background investigations may, at the direction of the commissions or the board, include, but not be limited to, officers, directors and stockholders of licensed corporations, key employees, financial backers, gaming employees, horse owners, trainers, jockeys, drivers and other persons participating in thoroughbred or harness horse meetings and other persons and vendors who exercise their occupation or employment at such meetings, licensed facilities or licensed [racetrack] racetracks. For the purposes of this [chapter] part, the board and commissions may receive and retain information

otherwise protected by 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

§ 1802. Submission of fingerprints.

[Applicants] Appointees, employees and prospective employees engaged in the service of the commissions or the board, and applicants under this part shall submit to fingerprinting and photographing by the Pennsylvania State Police[,] or by a local law enforcement agency capable of submitting fingerprints and photographs electronically to the Pennsylvania State Police utilizing the Integrated Automated Fingerprint Identification System and the Commonwealth Photo Imaging Network or in a manner and in such form as may be provided by the Pennsylvania State Police. Fingerprinting pursuant to this part shall require, at a minimum, the submission of a full set of fingerprints. Photographing pursuant to this part shall require submission to photographs of the face and any scars, marks or tattoos for purposes of comparison utilizing an automated biometric imaging system. The Pennsylvania State Police shall submit [the] fingerprints [if necessary] as required by this part or when requested by the commissions or the board to the Federal Bureau of Investigation for purposes of verifying the identity of the applicants and obtaining records of criminal arrests and convictions in order to prepare criminal history background investigations under section 1801 (relating to duty to provide). [The] Fingerprints and photographs obtained pursuant to this part may be maintained by the commissions, the board and the Pennsylvania State Police for use pursuant to this part and for general law enforcement purposes. In addition to any other fee or cost assessed by the commissions or the board, an applicant shall pay for the cost of fingerprinting and photographing.

Section 8. Section 911(h)(1) of Title 18 is amended to read:

§ 911. Corrupt organizations.

(h) Definitions.—As used in this section:

(1) "Racketeering activity" means all of the following:

(i) [any] An act which is indictable under any of the following provisions of this title:

Chapter 25 (relating to criminal homicide)

Section 2706 (relating to terroristic threats)

Chapter 29 (relating to kidnapping)

Chapter 33 (relating to arson, etc.)

Chapter 37 (relating to robbery)

Chapter 39 (relating to theft and related offenses)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Section 4117 (relating to insurance fraud)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to falsification and intimidation)

Section 5111 (relating to dealing in proceeds of unlawful activities)

Section 5512 through 5514 (relating to gambling)

Chapter 59 (relating to public indecency).

(ii) [any] An offense indictable under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act (relating to the sale and dispensing of narcotic drugs)[.];

(iii) [any] A conspiracy to commit any of the offenses set forth in subparagraphs (i) [and (ii) of this paragraph; or], (ii) or (v).

(iv) [the] The collection of any money or other property in full or partial satisfaction of a debt which

arose as the result of the lending of money or other property at a rate of interest exceeding 25% per annum or the equivalent rate for a longer or shorter period, where not otherwise authorized by law.

(v) An offense indictable under 4 Pa.C.S. Pt. II (relating to gaming).

[Any] An act which otherwise would be considered racketeering activity by reason of the application of this paragraph, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

* * *

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I also am going to defer to the gentleman from Lehigh County, Mr. Reichley, to address the amendment.

The SPEAKER. The gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

In the many weeks since we originally enacted the gaming legislation this past summer, many members have heard of a number of issues which they wanted to have addressed as changes to that legislation for helpful purposes, constructive purposes.

This amendment is an all-encompassing piece of legislation which will address four major areas of contention since the gaming legislation was passed. The first would be the 1-percent-ownership provision. Under this legislation, we would now enact a preclusion on legislators' parents, spouses, unemancipated children, and siblings of the legislators along with executive-level appointees, the Gaming Commission members, stretching down to local governmental officials. It would only affect those governmental officials, though, who represent municipalities who are directly receiving revenue from the slot machine revenues, from the licensees. It does not affect school board members; it does not affect appointees who are without discretionary control over the gaming revenue.

The requirement would also, the 1-percent-ownership provision would also be eliminated to preclude an ownership interest in a manufacturer — excuse me — a supplier who had to be based in Pennsylvania.

Thirdly, it allows for the assertion of local control by any municipality currently governed by the *Municipal Planning Code* that would opt out for the county of the first class and the city of the second class.

And then lastly, we assert within this amendment the power of the Attorney General to have concurrent jurisdiction so that in conjunction or in consultation with the local district attorney, the Attorney General would have enforcement powers to initiate, investigate, and prosecute any offenses under the gaming law that was enacted in July.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. DeWEESE. I would like to momentarily defer, with the Speaker's acquiescence, to the gentleman, Mr. Lescovitz, from

Washington County. He would like to interrogate the gentleman, Mr. Reichley, on a point in the proposal.

The SPEAKER. The gentleman, Mr. Reichley, indicates he will acquiesce to interrogation.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I just want to deal with one section on page 12 — and I apologize; I just received your amendment — dealing with the financial interest of any State employee, public official or party officeholder, or their immediate family. One of the concerns I have underneath this amendment is an individual here in the legislature or one of our family members or a party officer may own stock in some corporation somewhere in the country, and use the example of, say, McDonald's Corporation. McDonald's Corporation's subsidiary or holding company or other part of that corporation ends up purchasing stock in one of the institutions here in Pennsylvania that get a gambling license. I do not follow every perspective of every piece of stock that I own or my family members own. Underneath this provision now, am I violating the law because some company that I own stock in, that may not even be anywhere near related to gambling, its holding company, its subsidiary, ends up buying stock in some gaming institution here in Pennsylvania?

Mr. REICHLEY. Mr. Speaker, I believe if you refer to pages 13 to 14 of the amendment, you will see that "financial interest" is defined in greater detail as creating exceptions for blind trust, defined benefit pension plans, tuition account plans, and also mutual funds where the interest owned by the mutual fund does not amount to control. But I would also defer to the gentleman from Allegheny County, Mr. Maher, to provide a more detailed explanation of those areas of the amendment.

Mr. LESCOVITZ. Okay. Thank you.

Mr. Speaker, do you need me to repeat that? I understand those four provisions on page 13 and the top of page 14, but that does not answer my question of a public official owning stock in some corporation on the New York Stock Exchange, American Stock Exchange, and it could be 10 shares, and then that company owning stock now or its subsidiary owning stock in a Pennsylvania gaming institution establishment. Would that individual public official be violating the law? That is my question.

The SPEAKER. The gentleman, Mr. Reichley, defers to the gentleman, Mr. Maher.

Mr. MAHER. Thank you.

I think your analysis is actually correct, and I would add there is another amendment — I am not sure if it will be embraced or if it would even be in order — that would provide that publicly traded securities acquired on the same terms and conditions as available to the general public would be recognized as an innocent act.

Mr. LESCOVITZ. A point of parliamentary inquiry then, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. LESCOVITZ. Which amendment should be going first, the amendment which —

The SPEAKER. There is nothing before the floor except amendment A4451.

Mr. LESCOVITZ. Mr. Speaker, then if this amendment goes in, is there another amendment that is available that will be able to correct this that is here before the House of Representatives?

Mr. MAHER. I am sorry, Mr. Speaker. I thought that was a parliamentary inquiry.

Mr. LESCOVITZ. Okay. I apologize, Mr. Speaker.

Mr. Speaker, you stated that you have another amendment. Is it drafted to this amendment which would correct my concerns?

Mr. MAHER. I am afraid, Mr. Speaker, that the amendment that I had drafted and introduced previously, I would expect it will be out of order if this amendment is embraced. And, Mr. Speaker, I have just been advised that another amendment modifies his concern, that it is drafted in a way that would be in order to complement this amendment and provide that brothers and sisters, stock acquired by someone's siblings, is beyond the reach of the prohibition.

Mr. LESCOVITZ. Okay. Thank you, Mr. Speaker.

Mr. Speaker, again, further interrogation. I just want to clarify this: If this amendment goes in the way it is drafted and no other changes occur, even if the sibling part goes in, a member of this legislature or any other public official, State official, that owns stock in any corporation, then its subsidiary, its holding company, ends up purchasing stock in some future gaming institution, we would be in violation of the law.

Mr. MAHER. Mr. Speaker, I am going to have to think that question through, and it is not going to be a yes-or-no answer, because there is triggering language as to what that subsidiary, affiliate language, what constitutes a financial interest that would be beyond the de minimis level and would trigger the prohibitions. So it will be a facts-and-circumstances test based upon what level of ownership would occur through subsidiaries.

Mr. LESCOVITZ. Okay. Thank you, Mr. Speaker. No more.

Mr. Speaker, I just want to make sure the members are aware of what this amendment does. I understand the concept behind it, but as members of the legislature you should be aware there is a section in this amendment that if you own stock in some company in the future, and it can be 1 percent, 2 percent, and you purchase that stock, and that company without your knowledge ends up purchasing part of a gaming institution's stock in Pennsylvania, you could be, underneath this section, I guess, committing a felony, even though you did not know about it. So I just want to make that clear, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, you have a catch net here. If you were to contact the Pennsylvania Gaming Control Board if you were concerned about whether or not you were in violation of the law, I am sure that their expertise, their legal counsel, could give you information. If you felt that there was a real problem here, you could make that contact, and they would respond as to whether or not you were in violation of the law or not.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. I would like to interrogate Representative Reichley.

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

Mr. GODSHALL. Can you explain to me, pertaining to the language where it says a holding company, and then it goes into— I am looking for the exact language; just bear with me for one second. It says you may not own ownership "...in any

slot machine licensee, manufacturer licensee, supplier licensee...." What does "supplier licensee" mean?

Mr. REICHLEY. Mr. Speaker, a supplier license? I am sorry. Was that the question?

Mr. GODSHALL. Well, that was to start with; yeah. If we go into supplier licensee, does that mean a supplier licensee to the track, which could mean almost anything, and that means supplying toilet paper or paper towels, or how far does that go? Is there a definition anywhere? And not only for that one. Then it says "...holding, affiliate, intermediary or subsidiary company...." I do not know what those all are, and I have no idea what that means. It could mean anything.

Mr. REICHLEY. Mr. Speaker, on page 2 of the amendment, "supplier" is defined as "A person that sells, leases, offers or otherwise provides, distributes or services any slot machine in this Commonwealth." So toilet paper, for instance, as you just raised, would not be covered under that definition. The specific part about— I am sorry. Did you—

Mr. GODSHALL. I am having a hard time hearing, but it goes into also affiliates, intermediaries, or subsidiary companies and so forth. You know, I am not again sure what all of this means. And we were just given this amendment as of a couple of minutes ago, and it is quite lengthy to read through in the short period of time that we have had it. What is "subsidiary company"? Again, if they have 5 percent interest in a company, does that mean, you know, it is a subsidiary company, or what does it mean?

Mr. REICHLEY. Mr. Speaker, I think in large part some of these criticisms are aimed back at the language of the bill which we passed this past July, but in looking at— Let me just find the page here. Mr. Speaker, when the previous questioner has referred to "affiliate," are you referring to the part that is bracketed on page 7 which would eliminate that provision?

Mr. GODSHALL. I was looking at page 12, specifically lines 23 – starting at line 23. It lists a whole host of businesses and so forth.

Mr. REICHLEY. I see it. Thank you, Mr. Speaker. Under the "financial interests" section.

The terminology for subsidiary company would refer to another statutory definition which was not solely a part of this particular piece of legislation. The direct references to whether one is holding a financial interest in any of the licensees – manufacturer licensees, supplier licensees, or licensed racing entities, or holding or affiliate, intermediary, or a subsidiary company, which would have been part of the earlier legislation – the particular preclusion which we are enacting here today goes toward eliminating a 1-percent ownership interest in any of those listed enterprises or in an applicant for any of those licenses, but the amendment itself does not attempt to clarify the definitions.

Mr. GODSHALL. I appreciate that. You know, I did not understand it in the first amendment, and really, I was going to ask that same question, but I do not understand it here either, and apparently we do not have a definition of what this means. The other thing, I guess, how will one know, if I buy stock or anyone buys stock in a small corporation, that they are a subsidiary, you know, of Caesars or a subsidiary of Penn Gaming or whoever? How will they know that?

Mr. REICHLEY. Well, again, Mr. Speaker, this gets back to the definition of "financial interest," which requires that you have allowable investments such as a blind trust, a defined benefit pension plan, a tuition account plan, or a mutual fund

where the interest of the mutual fund does not amount to control of the licensed gaming entity, and I believe that your example would raise the situation where your investment does not manifest control over the holding company, the subsidiary, or the parent gaming entity.

Mr. GODSHALL. But without a list of who these people are, and they change every day, I do not know how it is possible. If you look or get a prospectus from various companies, you will see that they have interests in a host of other companies — they own stock that they have invested — and how the ordinary person, including us, would ever know that this is a subsidiary of, you know, some gaming company, I would have no idea, and I think you would be completely in the dark.

Mr. REICHLEY. Mr. Speaker, I appreciate the complexity of the area that the Representative has entered into here. I think, again, it is important to understand that this is meant to preclude controlling interests. The subsidiary, the holding company, or the gaming entity itself, as the investment entity you must have a controlling interest through your investment. That is the issue that is being precluded here, as diffused through a mutual fund or holding company.

Mr. GODSHALL. I thought it was not owning any kind of stock or ownership in a company, I thought we were precluded from, not only controlling but any kind, any amount.

Mr. REICHLEY. The only thing I could refer you to, Mr. Speaker, is on page 13 under the definition of “financial interest,” that a financial interest shall not include any debt or equity security, or other ownership interest or profit interest, which is held or deemed to be held in any of the following, and these are the exceptions here. So you do not have an ownership interest which would preclude you; otherwise, we are trying to work our way through a complex investment area.

Mr. Speaker, the amendment on the same page, page 13, under (a.5) has a list of applicants: “The board shall publish monthly in the Pennsylvania Bulletin and on its Internet website a list of applicants for slot machine licenses, supplier licenses, manufacturer licenses and of the affiliates, intermediaries, subsidiaries and holding companies....” So one would have the capacity to be put on notice as to those investment vehicles which would be illegally held by the subject class of the act here, political officials and party officials. This amendment is meant to strengthen the provisions of the act that we passed during this earlier year, which was so vague that the 1-percent ownership interest became the subject of great criticism, and we are trying to prevent one from falling into that area where you would suddenly be in possession of an interest where you now had to divest yourself of that.

Mr. GODSHALL. Again, you know, I think it is really a lot of gray in here, and it can really make a whole class of people criminals without their knowledge.

And in getting off that, it does not say, I do not think, anyplace in here “controlling interest.” It just says “interest,” which means any interest.

But I would like to ask you a question on, say, in discussing specifically the legislators and/or the public officials, this only affects at this point the public officials in the areas where a slot machine parlor or building is going to be placed. Is that correct?

Mr. REICHLEY. Mr. Speaker, the amendment, on page 14, describes that a “public official” must be “Any person elected by the public or elected or appointed by a governmental body directly receiving revenue under this part....” So theoretically,

where a slot licensee is not located in Montgomery County, the school board members would not be affected by this preclusion. It is to be directed at those officials who may be perceived as having a financial interest that is in conflict with their public duties in governance over the slot licensees.

Mr. GODSHALL. Okay. So what you are saying, I think then that goes down to a county-specific as far as public officials go. If a facility is in a given county, it affects only that county, the officials of that county?

Mr. REICHLEY. With your indulgence, Mr. Speaker.

Thank you, Mr. Speaker.

I believe the Representative from Montgomery County is correct that it would apply to county officials in a county where a gaming entity or slot licensee is located, as “...an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof directly receiving revenue under this part...” but as you go on, it does exclude “...members of school boards or advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the Commonwealth or any political subdivision....”

So I think not only school board members but zoning board members, sewer and water authority members, who are not directly receiving revenue through the gaming legislation are not affected by the 1-percent-ownership provision that we are removing here.

Mr. GODSHALL. What about committee people?

Mr. REICHLEY. The political committee people, Mr. Speaker?

Mr. GODSHALL. Yes.

Mr. REICHLEY. If you refer to the paragraph above that, under “Party officer,” we have amended this legislation to reflect that it would preclude an ownership interest by “A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee;...” or the same kind of personnel for a city committee. It does not place this prohibition on individual political committee people in sort of a county structure, such as in Lehigh County or Montgomery County, who are volunteers for the most part.

Mr. GODSHALL. I thank the gentleman for his explanation.

As I said, we just received this, and it really should have some study or have an opportunity to study exactly what is here, and I appreciate the efforts of the gentleman from Lehigh, but I think there is still a lot of confusion as to exactly what is in here and what the meanings of all of these sections are.

Thank you.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to remind my good friend from Montgomery County that the language in the bill as it deals with affiliates and holding companies and various businesses that he was questioning is the same language that was in the bill that we passed in July, that some members passed in July, so he may have wanted to look at that particular situation at that time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. DeWeese, wish to be recognized? The Chair recognizes the gentleman, Mr. DeWeese.

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

Relative to the debate, there is no doubt that subsequent to our endeavors this past summer, the mood of the House and the collective perspectives of the membership have congealed around the idea of eliminating the 1 percent; no doubt. It probably will pass unanimously once we can agree upon the language.

But the momentary vexations of the GOP right now indicate that there is still a little confusion on that side of the aisle, and there certainly is some confusion on our side of the aisle. The Senate, by the way, has already adjourned, and whatever kind of endeavors we project today will not be realized until next week.

A couple other observations, Mr. Speaker.

I want to also declare, number two, that we agree with what Mr. Reichley and Mr. Smith are trying to do relative to the Attorney General language.

Number three – and this is a reason I think Governor Rendell will veto this proposal if it is sent to his desk the way Mr. Smith has drafted it – is that the local zoning ordinances language exempts Philadelphia and Pittsburgh, but it does not exempt anyplace else in the State. So potentially one racetrack, two stand-alone casinos, and two resort licenses could be stymied or stultified by local zoning arrangements. When we passed this language last summer, this was debated ad nauseam, and we decided that the board – Mr. Perzel's appointment, Senator Jubelirer's appointment, et al. – would make these decisions. If for some inexplicable and unhappy reason one of the stand-alone casinos or one of the racetrack licenses would be contested by local gaming arguments, the others would simultaneously be held up also because of the way the bill was written.

So although collectively Democrats and Republicans are here to review, to try to fix the 1 percent so that none of us can own 1 percent in a gaming institution, we are in agreement with that as soon as the language is decided. Representative Lescovitz of Washington County made some very good points, and I think that our staff can work Thursday and Friday and over the weekend to arrange a compromise.

Number two, we have agreed on the Attorney General language with our Republican confederates. We are not in agreement on the local zoning, the third part, and again, I think if the local zoning is in the bill, Governor Rendell will reject it, so our work could be for naught.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. DeWEESE. Therefore, Mr. Speaker, I would like to postpone consideration of this amendment – indeed a worthy, a worthy effort, but yet not quite consummated and not quite agreed to, and this can be, this can be agreed to – until Monday. The Senate is not in session, sir, and nothing is going to happen until Monday, and I think the General Assembly's Republican and Democratic staff and Republican and Democratic membership, especially the individuals who have worked so strenuously in the past few days, can work on this for the next weekend and put something together for Monday. We are going to be here, I am told, Monday and Tuesday and Wednesday and Thursday and Friday potentially next week, and I think it would

be more prudent if we postponed this until Monday so that we can send Governor Rendell something that he will accept.

I think Representative Smith has the best interests of the legislation in mind, and we just need some more tweaking and modulating, and I am confident that can be done in the next 2 or 3 days.

Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese, we would like to clarify if you are asking for a postponement of the bill and the amendment.

Mr. DeWEESE. That would be, I think, very helpful, yes. Yes; that is exactly what I am asking for, a postponement of both, the bill and the amendment.

Again, one more time. The Senate is not here, so I find that this is not a strenuous request.

On the question,

Will the House agree to the motion?

The SPEAKER. The question is on postponement.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, I apologize. May I have just a point of parliamentary inquiry?

The SPEAKER. The gentleman will state his point.

Mr. DeWEESE. We could even stay on, which we have done in the past, on Monday we could still use Wednesday's legislative voting calendar, so we would not even be asking that the calendar would be altered, or could we?

Anyway, the bottom line is, I want to work with the majority leader, I want to work with the majority leader the best way we can to solve this problem.

The SPEAKER. We intended to have a nonvoting session on Friday, so on Monday, in theory, we would be on Friday when we got here.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, with all due respect to the gentleman from Greene County's secondary observation, I am not so sure we need to muddy the waters any further with what day we might be in. I would like to see us, Mr. Speaker, deal with the motion before us as it was presented.

The SPEAKER. The motion before us is to postpone until Monday.

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

Mr. Speaker, I obviously have to rise to oppose the motion to postpone.

Over the months through the summer and fall, there were many, many conversations and a lot of discussion regarding the issues that the minority leader identified that are part of the embodiment of this amendment.

The particular issue that has been raised today is one that was discussed heavily yesterday in caucus, at least on our side of the aisle, relative to the definitions surrounding ownership – whom that involves; ownership of what, ownership of some piece of stock that might in turn be an owner of a gambling facility – and I recognize the difficulties in getting that language crafted accurately.

So I guess, Mr. Speaker, I am not suggesting that the amendment that is before us is perfect by any stretch of the imagination. I would suggest that the concerns that are being raised and that would generate a motion to postpone are ones that I am not sure can be answered in the end. The law as it currently exists is not adequate. That we all agree on. The amendment and the issue before us today is a significant stab and one that I think makes a fairly accurate stab at correcting this, particularly the issue of the ownership issue.

So, Mr. Speaker, while postponement may in some cases give you another chance to rewrite that portion of the amendment, knowing what we have been through on this in the last several months, and in particular, the last couple days, I would have to urge the members to proceed with this bill. This is an issue that, as the minority leader suggested, is one that we are all committed to trying to make corrections to, and that is not to point any fingers, other than that this amendment, this bill before us, is one that we have worked hard on and the time is running out. Next week is going to be a long week and a difficult week, and I would simply ask the members to allow us to move forward with the legislation as it has been proposed and work through the amendments that are before us.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I agree with Representative DeWeese that I support that we postpone this until Monday. I think we need more time, and I think a lot of my colleagues here agree, we need more time to look at this amendment as well as some other amendments that may come before us.

So again, I ask the members to support the motion to postpone until Monday.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I, too, rise to support the minority leader's request for postponement.

I think that this amendment does need some work, and it does not do any harm to do that work over the next few days and come back on Monday and take care of business then in the proper manner. If we would have done it in the proper manner, we would have had it done in June, so what is another couple of days?

I support the motion to postpone.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GANNON. Mr. Speaker, I rise to support the minority leader's motion to postpone.

This is a serious amendment. This is not about us. You know, we are being told this is about us. It is not. If you look at this amendment, it is about our parents; it is about our brothers; it is about our sisters; it is about our children. And I think we should be darn sure exactly what this language does and what impact it is going to have before we vote one way or the other on this piece of legislation. I think the additional days will give everybody time to look at this language and assess its impact and to see if it is really what we want to accomplish here.

Now, this is all about our ownership of this 1 percent and no ownership at all. If that is what it is about, let us do it about us. Let us not deal with our parents and our children and our brothers and sisters to the extent that I see this language does.

I think this is a very, very serious issue, and I am not about to turn my parents into felons because they might own some interest in stock that they do not know anything about.

I ask for a "yes" vote on postponement.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I support the position of the majority leader that we continue the debate on this important issue, and we do have an amendment that will be offered dealing with the parents and siblings that I think will satisfy the previous speaker's concerns.

We have worked hard on this issue over the many weeks since the bill came over from the Senate, trying to craft those things that would satisfy the members. In our own caucus, members had made some suggestions, and we tried to accommodate the members with those suggestions.

What we are looking at — and I just ask all the members to think for a moment — is that one of the reasons I guess we are here at this time is that this General Assembly has been taken over the coals by newspapers from as far north as the Boston Globe in Massachusetts to the New York Times to the Sun in Baltimore, not to mention Pennsylvania newspapers. They expect us to take action.

This legislation that we have improved and that we are looking at today was passed by the Senate. You all know the vote, 49 to 1, and we are making progress. We are correcting some legislation that was passed, that had some major deficits that we are correcting in this legislation. To postpone it will only create more problems. It is not going to solve any more than what we have already tried to accomplish with this amendment that is before us today.

I would ask the members to think about those things and to allow this debate, this procedure, to move forward.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion by the minority leader. I have four amendments filed that I think do deserve more time to be studied and brought to the attention of members. I do not want to come to the floor and mislead or have someone say they would do something that they may not do, and I think we should spend more time looking at the amendments and vote to postpone this legislation until Monday.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support Representative DeWeese's motion to postpone, and I agree with Representative Gannon, who said that this is not about us. I have been here several years, and there is not one person I know in this chamber or the other who has the capability to own 1 percent. Yet the way that issue was spun for weeks and weeks and weeks does not help Republicans or hurt Republicans, does not help Democrats or

hurt Democrats; in my view, it harms this institution. Casting the wild aspersions that we heard for months, I believe, was a disservice to this chamber.

It is appropriate and we do outlaw conflicts of interest in Pennsylvania for public officials. We should even go beyond that to outlaw the appearance of conflicts of interest, and we do that in our Ethics Act. We even went a step further, with the Speaker's help and Democratic leadership's help, in changing our rules to make it crystal clear that there could be no ownership in this new business that is being started in Pennsylvania. All of us know in this room that the 1 percent was a nonissue, but for public relations purposes, we did fix it immediately.

Under interrogation by Representative Lescovitz, it was clear that the amendment before us now is not well done, and that would just create additional problems and, again, cast aspersions where aspersions should not be cast, which only harms public service, further deters good people from getting involved in public service.

So if we are going to fix something that probably is not broken, let us do it correctly, and the minority leader is correct that this can be done over the next several days and a bill that can actually become law can pass this chamber.

The smart thing to do, the wise thing to do, is to postpone this vote and get it right next week, not to proceed off a cliff that the gentleman, Mr. Lescovitz, made very clear in his interrogation is readily before us, a precipitous drop, because the wording was not right and was admitted to from the microphone, yet the proponents still wanted to go through with it. That is wrong. That is not the way we should do business, so let us postpone it and take it up next week.

I ask for an affirmative vote on Mr. DeWeese's motion.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HORSEY. On the question of postponement, on the motion, would the minority leader stand for interrogation?

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

Mr. HORSEY. Mr. Speaker, one of your reasonings had to do with local zoning. Would you make me aware of what that says in the amendment itself?

Mr. DeWEESE. Generally speaking, sir, the zoning dynamics will be held within the Gaming Board, and that is the way the law was written and Philadelphia and Pittsburgh still are under the initial language, the original language, where the Gaming Board — the representative that the Speaker will appoint; that our team will appoint; the Senate, the same; and the Governor will have three — those seven individuals will make the decision on zoning in Pittsburgh and Philadelphia, but this amendment would alter the status quo or at least would alter the original intent of the bill that was passed, passed the Senate, signed by the Governor, and in two stand-alone casinos in the State, one racetrack in the State, and two resort licensees in the State, the zoning could become a civil war; it could become a real morass, according to this.

So you would be yanking away from the gaming commission the opportunity to make these decisions, the way it was intended in the original bill, and Pittsburgh and Philadelphia, however, would be unmolested by this amendment, but in 5 settings among the 14, I think we are causing a lot of confusion.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on the motion to postpone.

The SPEAKER. Mr. Horsey, just so that we stay within the bounds of what we are supposed to do, any questions or any statements should be about postponement and not about the content of the bill or the amendment.

The gentleman is in order.

Mr. HORSEY. On the motion to postpone, I support the motion to postpone.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect to many of my senior colleagues here, what I am hearing is the drip, drip, drip of obfuscation and delay in an attempt to kill this. We have borne under 4 or 5 months now of public criticism, whether members from the opposite side of the aisle feel it is justified or not, that the members of the General Assembly engaged in skulduggery and allowed themselves to be enriched from the provisions of this legislation. You know it as well as I do; that is what you heard, whether you like it or not. And to quote the gentleman from Greene County, whose favorite penchant is for quoting Shakespeare, we should be "beyond reproach like Caesar's wife."

If you miss the opportunity to move ahead with this amendment today, you will be pilloried again during the course of the weekend and in the next week, and as I just as a freshman understand, the Senate, as the gentleman from Greene has already reminded us, is now out. If we do not move this ahead today and we wait again until Monday and then the Senate does not act upon this, you will get the same criticisms for the next 3 months that you failed to adjust this bill to correct what was regarded as an inequity within the legislation.

The gentlelady from Montgomery County, Ms. Harper, has an amendment which directly addresses one of the criticisms from the gentleman from Delaware as far as ownership interests by brothers, sisters, and parents. We have that already included in the possible amendments to adjust this. What we are now encountering are attempts to nibble away and find problems and pick at it without addressing the core issue, which is the people of this Commonwealth think the bill stinks the way it was passed, and it is our duty to face up to this and take the forward step to make sure that this legislation is beyond reproach as far as public officials, even those in local areas.

You have heard the outcry from jurisdictions such as the gentleman from Dauphin where the local municipality does not want to allow a gaming entity, and I think it is incumbent upon those of us who respect that local authority to give them that right to allow zoning officials and local municipalities to have a decision as to whether a slot licensee will be located within their jurisdiction.

The question of the Attorney General having concurrent power for prosecution, the elimination of the egregious 1-percent ownership interest, the regulation by the local municipalities are all foreseen and taken care of within this amendment, and if you defer the opportunity to address these matters, you will only contribute to the public's cynicism about what went into this bill originally.

I urge the members to defeat the motion to postpone.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief.

Mention was made about the 1 percent. It seems to me that when we dealt with that issue both in the Senate and the House, it was a long debate. An hour and 45 minutes in this House we debated an amendment that would have removed the 1 percent. If it was not an issue today, why was it an issue then?

So I will tell you that we need to move forward on this legislation, and it is about the people, the people of Pennsylvania and how they perceive this General Assembly, and we have lost some of our honesty and integrity — you know that; I do not have to tell you that — because of the way that this bill went through the process back in July, and we are trying to make some improvements.

I have heard members talk about the fact that we need to do more. Why did we not do some of those things back then when the vote was taken back in July? Why did we not improve the bill then? Many of us stood up and said how this thing was not properly crafted and we would have to come back and make the changes, and that is what we are here today, this evening, doing, making those important changes, and Representative Reichley properly addressed some of those major issues: the Attorney General having oversight. I mean, with the possibility of criminal corruption taking place and all the other downsides that will come with casino gambling, we need the Attorney General to have that oversight, not to mention to validate the laws of local communities and this issue with suppliers, manufacturers, and distributors. We talk about outsourcing. Here is a wonderful opportunity to have outsourcing. I do not know why there is opposition to that issue.

So, Mr. Speaker, for the second time, I would urge my colleagues, my friends, that we move forward on this legislation and we do it this evening.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Again, on the issue of postponement, there is another issue involved in the Smith amendment or the Reichley amendment, whichever it is, that is of great concern to a lot of people in this room. Mr. Speaker, we have manufacturers of video games and lottery machines, et cetera, that reside in Pennsylvania, that employ Pennsylvania employees, who have written to us, who said, why are you ripping out of the legislation the requirement that these machines that are going to be built are built by Pennsylvanians, in Pennsylvania factories, where we were going to pay very good wages and benefits? Why is that in this amendment? Why are we taking away that opportunity for thousands and thousands of Pennsylvanians to earn family-sustaining wages in factories, building these machines? That is in this amendment. That should not be in this amendment.

We should have dealt with that issue separately, zoning separately, and the issue of the 1 percent separately. If anyone was more disingenuous, it was the crafters of the amendment to try and put 15 different things—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

Mr. BELFANTI. —when the public outcry only dealt with the 1 percent.

The SPEAKER. Would the gentleman please suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the majority leader rise?

Mr. S. SMITH. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. S. SMITH. The gentleman is now casting aspersions on the intentions and the directions of the amendment that was before us, referring to it as disingenuous. In an attempt to be diplomatic, Mr. Speaker, I would like to question whether or not that is a proper line of debate when the issue before us is a motion to postpone.

The SPEAKER. For the information of the gentleman, the gentleman is correct, but the last four speakers went far afield of what was supposed to be said, so we will now, at the direction of the leader, please stay to the motion to postpone. When you get off the subject of the motion to postpone, we will correct it immediately.

Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

And I did not mean anything personal. I am saying that the staff and whoever worked on this amendment seemed to intentionally mix and muddle four or five or six different issues, and that is why—

The SPEAKER. Mr. Belfanti—

Mr. BELFANTI. Yes, Mr. Speaker. I rise to support the DeWeese motion to postpone.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

I think what I hear those who oppose the motion to postpone saying is that it is more important that we do something than that we do the right thing, and I disagree with that, Mr. Speaker. You know, the 1-percent issue, for example, it costs \$3.5 million to buy 1 percent of a casino. No one here or almost no one here is going to be able to afford that. This is a problem of perception—

The SPEAKER. Mr. Leach.

Mr. LEACH. I am discussing the motion to postpone, Mr. Speaker.

The SPEAKER. Please be a little more careful.

Mr. LEACH. This is a problem of perception, which we are going to replace with a problem of reality when we pass legislation that is poorly worded, that has the potential to turn everyone in this room who owns stock into a felon without even knowing it.

So, Mr. Speaker, what I am suggesting is, why not take 5 days; why not actually get together on Monday with language that actually is correct. And that is what the people of the Commonwealth are going to respect, Mr. Speaker.

I rise in support of the motion to postpone.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I, of course, rise in support of the motion to postpone.

I do want to say that we should postpone because we do have other amendments that have been filed today that would be ruled out of order if the gentleman, the majority leader, Mr. Smith's amendment passes, and the fact is that some of those amendments, even those amendments from our side of the aisle that would be ruled out of order if this amendment passes, would fix the 1-percent issue and problem that everyone here is concerned about and talking about here today. We are committed to fixing that problem. It is a difficult problem. We stood here on the floor of the House 6 months ago at 1 percent because it is difficult to do. But the Democrats here are committed to working with like-minded Republicans to fix that 1-percent issue once and for all and that we do have an agreement on the Attorney General issues that are addressed here today, and that is something that we can agree to if we can get some other amendments in order, and the way to get those amendments in order, to come together on at least two of the important issues, is to postpone this bill until Monday, give us an opportunity to come back better prepared, with better language, with agreements on a couple of the key points, and with disagreements on only one or two remaining issues that we can discuss and debate here on Monday or Tuesday of next week.

That would be a good way to proceed. It would still give the Senate time to deal with the language if they so desire. So I would ask for a motion to postpone, a "yes" vote.

Thank you, Mr. Speaker

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. I waive.

The SPEAKER. At this point in time, we are down to the two leaders. Unless the Chair sees anyone else rising, the Chair is going to recognize the minority leader, the gentleman from Greene, Mr. DeWeese, and after that, the majority leader, the gentleman from Jefferson, Mr. Smith.

Mr. DeWeese waives off.

The gentleman from Jefferson.

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

Mr. Speaker, I can read the tone of the floor somewhat over the years, and I recognize some of the concerns that members have placed. I would suggest, though, Mr. Speaker, that the motion to postpone is not necessary. Our staff, I might parenthetically add, diligently and in a straightforward manner put forth the amendments to this legislation in hopes of remedying some of the problems from the existing law and the bill that had been brought to us by the Senate.

I would suggest to those that want to postpone that we are not asking anyone to take a half a loaf, but perhaps had people been engaged in this issue throughout the summer months, as our staff were and we were, perhaps we would not be sitting here today spending time debating on whether to postpone or not. The fact is that we have put together an amendment that I think is an honest, straightforward, and well-drafted amendment to deal with the concerns and issues that were raised over the past several months relative to the gambling law that is in place.

As I mentioned at the beginning of this last set of remarks, I can sense the tone on the floor, and I realize what may happen here, but if this bill is put off until Monday of next week, then this legislature, this House, as a body, collectively, will

potentially be responsible for not making the corrections that are necessary.

I will, as I have committed to those involved in this issue, when the Senate passed this bill back in September or whenever it was, the end of September, first of October, I committed to moving their bill, that we had issues with it, but within the framework of that bill, we thought that it was a solid piece of legislation that we needed to make some corrections to, and I made every commitment— Well, I made a commitment to use all that I can to move that bill. I said we would move it the week we came back. That is this week.

I just would like the members to recognize that this House has a commitment to the people to correct this legislation. I think we were there with this piece of legislation, with these amendments.

If we do postpone this, if you guys, if the membership, if the will of the House is to postpone this, then we will be here on Monday, not Tuesday, and we will be bringing it up on Monday, and if it gets messed around with, it will be back up on Tuesday, because I believe that we need to correct the law, and I think the time to finish that work is now, and I would urge the members to vote against the motion to postpone.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese, indicates that he would like to have one opportunity to speak. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

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

Politely, amicably, respectfully, I think that Democrats and Republicans can do a better job if we do this job on Monday and Tuesday.

The second point: This potentially is the biggest piece of legislation that would evolve from this session of the General Assembly. This has cosmic impact upon our Commonwealth.

And thirdly, the harmony that we have already decided to project and engender relative to the 1-percent prohibition, relative to the Attorney General language, is a very, very propitious commencement for our weekend endeavors. We will pledge the Democratic House staff, men and women, to work with our colleagues on the Republican side. It is obvious that some of us have agreements, Democrats and Republicans, on this issue.

This has been a very contentious enterprise in January and February, in March and April, in May and June and July, but we passed a gaming proposal, and it was passed with solid numbers, and the Governor put his signature on the document.

So as we realize a few modulations are necessary, since there is so much disagreement today, we are asking for a postponement until Monday, and I do not believe the motion to postpone is arduous or overreaching, and thank goodness, it is supported by some of our Republican colleagues.

So I would ask, since the Governor will not sign this and the Governor would also like a postponement, that our Democratic and House colleagues, as many as are possible, adhere to a favorable vote on postponement.

Thank you very much, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-109

Bard	Freeman	Mann	Semmel
Bebko-Jones	Gannon	Markosek	Shaner
Belardi	George	Marsico	Solobay
Belfanti	Gergely	McCall	Staback
Biancucci	Godshall	McGeehan	Stairs
Bishop	Good	Melio	Steil
Blaum	Goodman	Micozzie	Stetler
Bunt	Grucela	Miller, R.	Sturla
Butkovitz	Gruitza	Mundy	Surra
Buxton	Harhai	Myers	Tangretti
Caltagirone	Hennessey	Nickol	Taylor, J.
Casorio	Horsey	O'Brien	Thomas
Cawley	James	Oliver	Tigue
Cohen	Josephs	Pallone	Travaglio
Corrigan	Keller	Petrarca	Veon
Costa	Kenney	Petrone	Vitali
Curry	Kirkland	Pistella	Walko
Daley	Kotik	Preston	Wansacz
Dally	LaGrotta	Readshaw	Washington
DeLuca	Leach	Rieger	Waters
Dermody	Lederer	Roberts	Wheatley
DeWeese	Leh	Roebuck	Williams
Diven	Lescovitz	Rooney	Wilt
Donatucci	Levdansky	Sainato	Wojnaroski
Eachus	Mackereth	Samuelson	Yewcic
Evans, J.	Maitland	Santoni	Youngblood
Fabrizio	Manderino	Scrimenti	Yudichak
Frankel			

NAYS-80

Adolph	DiGirolamo	Killion	Rohrer
Allen	Egolf	Lewis	Ross
Argall	Fairchild	Maher	Rubley
Armstrong	Feese	Major	Sather
Baker	Fichter	McGill	Scavello
Baldwin	Fleagle	McIlhattan	Schroder
Barrar	Flick	McIlhinney	Smith, B.
Bastian	Forcier	McNaughton	Smith, S. H.
Benninghoff	Gabig	Metcalfe	Stern
Birmelin	Geist	Millard	Stevenson, R.
Boyd	Gillespie	Miller, S.	Stevenson, T.
Browne	Gingrich	Mustio	Taylor, E. Z.
Cappelli	Habay	O'Neill	True
Causar	Harhart	Payne	Turzai
Civera	Harper	Petri	Watson
Clymer	Harris	Phillips	Wright
Cornell, S. E.	Hasay	Pickett	Zug
Crahalla	Herman	Raymond	
Creighton	Hershey	Reed	
Dailey	Hickernell	Reichley	Perzel,
Denlinger	Hutchinson		Speaker

NOT VOTING-2

Hess Vance

EXCUSED-11

Coleman	Haluska	Lynch	Saylor
Cruz	Hanna	Nailor	Weber
Evans, D.	Laughlin	Ruffing	

The SPEAKER. There will be a nonvoting session on Friday, and the House will reconvene at 1 p.m. on Monday.

RECESS

The SPEAKER. The House stands in recess to the call of the Chair.

AFTER RECESS

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

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. Buxton.

Mr. BUXTON. Madam Speaker, I move that this House do now adjourn until Friday, November 12, 2004, at 9:30 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9:29 a.m., e.s.t., Friday, November 12, 2004, the House adjourned.

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

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

Mr. S. SMITH. It would appear not.