

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, NOVEMBER 19, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 72

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE  
(MATTHEW E. BAKER) PRESIDING**

#### PRAYER

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

Let us pray:

O God our Father, by whose mercy and might the world turns safely into darkness and returns again to light, we give into Your hands our unfinished business, our unsolved problems, and our unfulfilled hopes, knowing that only that which You bless will prosper. For You do not call us to achievement in work, but to responsible living. You do not call us to make a great fortune, but to labor for Your glory. Guide us into greater understanding of Your priorities.

How fitting it is, gracious God, that we have a day set aside to give thanks for all the blessings we have received. Our ancestors declared a day of worship to celebrate simply having enough to survive. We give thanks for bounty well beyond the necessities of life. We are blessed to be among those who have not only enough, but enough to share. We rejoice at Your blessing, Maker of All, and pray that You will lead us in an ardent effort to see that all in this Commonwealth share in Your abundant gifts.

For those serving far from home this coming holiday, we pray You will give them strength; for those who are alone, we pray You will give them comfort; for those who are without, we pray You will bring them surprise blessings; and for all of us who may not be grateful for what we do have, we ask that You would soften our hearts, open our eyes, and speak to our souls. Grab our attention so that we may stand in awe of all the wonders that each day has in store for us, that we would see the magic all around us. May the beauty in Your world inspire us to praise and thanks, and may the beauty of this Capitol and the sacrifices made by our predecessors inspire us to serve with dignity.

Lord, increase our faith; bless our efforts and work, now and forever. 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 Thursday, November 18, 2004, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 3009** By Representatives TURZAI, MUSTIO and T. STEVENSON

An Act amending the act of February 12, 2004 (P.L.73, No.11), known as the Intergovernmental Cooperation Authority Act for Cities of the Second Class, further providing for limit on city borrowing; and providing for applicability of other law.

Referred to Committee on RULES, November 19, 2004.

**No. 3010** By Representatives GEORGE, DeLUCA, DeWEESE, PHILLIPS, SURRA, BARRAR, BELFANTI, BROWNE, BUNT, DALEY, FABRIZIO, FAIRCHILD, GOOD, GOODMAN, GRUCELA, HANNA, HARHAI, HESS, HORSEY, JAMES, KOTIK, LAUGHLIN, LEACH, LEVDANSKY, McILHINNEY, PETRARCA, ROONEY, SANTONI, SHANER, SOLOBAY, STABACK, THOMAS, TIGUE, WALKO, WASHINGTON, WHEATLEY, YOUNGBLOOD and YUDICHAK

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, providing for the prohibition against unconscionable prices in rental or sale of essential commodities during a declared state of emergency.

Referred to Committee on CONSUMER AFFAIRS, November 19, 2004.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 933** By Representatives BISHOP, BEBKO-JONES, CRUZ, SAINATO, DONATUCCI, MYERS, ROBERTS, JAMES, STABACK, LAUGHLIN, GEORGE, DeWEESE, FABRIZIO, YOUNGBLOOD, GOODMAN and STETLER

A Concurrent Resolution memorializing the Congress of the United States to amend the Social Security Act to provide for long-term caregiver benefits.

Referred to Committee on AGING AND OLDER ADULT SERVICES, November 19, 2004.

### BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1951 be taken off the table.

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

### BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1951 be placed on the table.

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

### BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2758 be taken off the table.

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

### 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, Mr. GODSHALL, from Montgomery County and the gentleman, Representative NAILOR. Without objection, leaves of absence are granted.

The Chair recognizes the minority whip, who requests a leave of absence for the gentelady, Ms. BEBKO-JONES, from Erie County and the gentleman, Mr. ROBERTS, from Fayette County. Without objection, 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—198

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Lynch	Santoni

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

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—4

Bebko-Jones	Godshall	Nailor	Roberts
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#### LEAVES ADDED—2

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

**HB 2454, PN 4785 (Amended)**

By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in gross receipts tax, for the imposition of tax; and making a related repeal.

**FINANCE.**

**RULES COMMITTEE MEETING**

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

**BILLS REREPORTED FROM COMMITTEE****SB 305, PN 1738**

By Rep. S. SMITH

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

RULES.

**SB 596, PN 1986 (Amended)**

By Rep. S. SMITH

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.

RULES.

**SHAWN WASIELEWSKI PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grucela, who makes a citation presentation.

Members, may we have your attention.

You may proceed.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure to honor a young man standing behind me, Shawn Wasielewski. Shawn recently received a gold medal at the National Leadership and Skills Conference, which is a SkillsUSA-VICA (Vocational Industrial Clubs of America, Inc.) competition that was held in Kansas City, Missouri. He competed against 36 other State winners. In fact, Shawn is a two-time Pennsylvania State winner in this competition, the area of technical skills and leadership.

Shawn is a 2004 graduate of Easton Area High School and the Career Institute of Technology. Easton Area High School, of course, was my proud high school for some 30 years where I taught. I also knew Shawn's brother, Eric, who was an outstanding baseball player who played with my son, Patrick.

Shawn studied heating, ventilation, and air conditioning for 3 years at the Career Institute of Technology, where he is recognized as only the second student in its history to win at the national level of competition.

Shawn is the son of Karen and Kevin Wasielewski, who are seated to the left of the Speaker's rostrum, as well as Marc Bridgens has joined him today. Marc is the department chair and the assistant dean at Penn College, where Shawn is a student.

I have a citation I will present to Shawn, and I ask the members to join me in welcoming this fine young man, his parents, teachers, and his school.

Thank you.

**CALENDAR****RULES SUSPENDED**

The SPEAKER pro tempore. The Chair moves to page 6 of today's calendar and recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules be suspended for immediate consideration of SB 895.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—198**

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

NAYS—0

NOT VOTING—0

## EXCUSED—4

Bebko-Jones      Godshall      Nailor      Roberts

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 **SB 895, PN 1141**, entitled:

An Act designating a portion of State Route 1040 known as Spur Road in East Cocalico Township, Lancaster County, Pennsylvania, as Colonel George Howard Boulevard.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—198

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—4

Bebko-Jones      Godshall      Nailor      Roberts

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

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

\* \* \*

The House proceeded to third consideration of **SB 966, PN 1927**, entitled:

An Act designating a certain bridge carrying State Route 322 over Conestoga River in Earl Township, Lancaster County, Representative Leroy M. Zimmerman Memorial Bridge.

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.

(Members proceeded to vote.)

## VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. SB 966 is over temporarily.

## RESOLUTION

Mr. BROWNE called up **HR 922, PN 4709**, entitled:

A Resolution urging formal acknowledgment from the United States Department of Housing and Urban Development (HUD) that Pennsylvania law precludes Pennsylvania domestic violence counselors and advocates from providing identifying information about victims of domestic violence to any person, institution, organization or government entity and that the confidentiality requirements of the Protection from Abuse Act supersede rules promulgated by HUD requiring disclosure of personally identifying information about victims of domestic violence to HUD's Homeless Management Information System.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—198

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

## NAYS—0

NOT VOTING—0

EXCUSED—4

Becko-Jones      Godshall      Nailor      Roberts

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

## RESOLUTION PURSUANT TO RULE 35

Miss MANN called up **HR 930, PN 4761**, entitled:

A Resolution declaring December 6 through 10, 2004, as "Dream Come True Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—198

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

DiGirolamo	Laughlin	Rohrer	Youngblood
Diven	Leach	Rooney	Yudichak
Donatucci	Lederer	Ross	Zug
Eachus	Leh	Rubley	
Egolf	Lescovitz	Ruffing	Perzel,
Evans, D.	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Bebko-Jones	Godshall	Nailor	Roberts
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Are there any caucus announcements?

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

At the call of the recess there will be a Democratic caucus with formal and informal discussions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentl lady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the declaration of the recess there will be an informal and a formal discussion immediately following.

The SPEAKER pro tempore. The Chair thanks the lady.

Are there any other announcements? The Chair recognizes the gentl lady, Mrs. Taylor.

Mrs. TAYLOR. Following the caucuses, we will return to the floor at 3.

The SPEAKER pro tempore. The Chair thanks the lady.

### RECESS

The SPEAKER pro tempore. The House is in recess until 3 p.m.

### AFTER RECESS

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

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

### SENATE MESSAGE

#### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 871, PN 1940**.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 798, PN 930; HB 1929, PN 3940; HB 2155, PN 4688; HB 2315, PN 3236; HB 2336, PN 3289; HB 2748, PN 4663; and HB 2804, PN 4328**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 30, PN 4778; HB 657, PN 4772; HB 1211, PN 4768; HB 1535, PN 4776; HB 2308, PN 4745; HB 2561, PN 4770; HB 2638, PN 4649; HB 2745, PN 4754; and HB 2798, PN 4777**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### BILLS REREPORTED FROM COMMITTEE

**SB 492, PN 1653**

By Rep. ARGALL

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

### APPROPRIATIONS.

**SB 798, PN 1923**

By Rep. ARGALL

An Act establishing the Capitol Centennial Commission; providing for the commission's powers and duties; imposing a penalty; and providing for funding.

### APPROPRIATIONS.

**SB 912, PN 1987 (Amended)**

By Rep. ARGALL

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for crop insurance premium payments and for a report by the Department of Agriculture; and making a repeal.

### APPROPRIATIONS.

**RULES COMMITTEE MEETING**

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

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE****HB 30, PN 4778**

By Rep. S. SMITH

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for residential telephone service rates based on duration or distance of call and for local exchange service increases and limitations; adding and repealing provisions relating to alternative form of regulation of telecommunications services; establishing the Broadband Outreach and Aggregation Fund; providing for Voice Over Internet Protocol; and making a repeal.

RULES.

**HB 657, PN 4772**

By Rep. S. SMITH

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, providing for the definitions of "agritainment," "county commissioners" and "recreational activity"; and further providing for the definition of "forest reserve", for land devoted to agricultural use, agricultural reserve and/or forest reserve, for responsibilities of county assessor and for roll-back taxes and special circumstances.

RULES.

**HB 1211, PN 4768**

By Rep. S. SMITH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for health care provider retention account; providing for personal needs allowance deduction for medical assistance eligible persons in nursing facilities; further providing for certain time periods relating to ICFs/MR, for podiatrists in the health care providers retention program and for the expiration of the Health Care Provider Retention Program.

RULES.

**HB 1535, PN 4776**

By Rep. S. SMITH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for administrative personnel for the collection of taxes, for earned income taxes and for collection of taxes by suit; and providing for costs of collection of delinquent per capita, occupation, occupational privilege and earned income taxes and for legal representation.

RULES.

**HB 2308, PN 4745**

By Rep. S. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

RULES.

**HB 2561, PN 4770**

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Luzerne County Historical Society, certain lands and building situate in the Borough of Forty Fort, County of Luzerne, Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, through competitive bidding or public auction, certain tracts of land together with any improvements thereon situate in the Twelfth Ward of the City of Allentown and in Salisbury Township, Lehigh County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society, situate in the Township of Upper Augusta, County of Northumberland; and making a repeal.

RULES.

**HB 2638, PN 4649**

By Rep. S. SMITH

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for alternative collection of delinquent property taxes; and providing for assignment of claims by taxing district.

RULES.

**HB 2745, PN 4754**

By Rep. S. SMITH

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.

RULES.

**HB 2798, PN 4777**

By Rep. S. SMITH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for eligibility for elective borough office, for general powers of mayor and for borough powers to convey land.

RULES.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that SB 705, PN 1948, be taken off the table.

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

**BILL ON SECOND CONSIDERATION**

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

**SB 705, PN 1948.**

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that SB 705 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that the gentleman from Warren, Mr. LYNCH, be placed on leave for the remainder of the day.

**CALENDAR CONTINUED****RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move for a suspension of the rules for immediate consideration of SB 856, PN 1951.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—196**

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	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	Horsley	Pickett	Washington
Creighton	Hutchinson	Pistella	Waters
Cruz	James	Preston	Watson
Curry	Josephs	Raymond	Weber
Daley	Keller	Readshaw	Wheatley

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

**NAYS—1**

Harper

**NOT VOTING—0****EXCUSED—5**

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 856, PN 1951**, entitled:

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, regulating sale and use of fireworks.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—193**

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



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

## NAYS—4

Forcier	Harper	Sather	Zug
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## NOT VOTING—0

## EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

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

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

## RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of SB 844, PN 1975.

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

The following roll call was recorded:

## YEAS—197

Adolph	Evans, J.	Lewis	Santoni
Allen	Fabrizio	Mackereth	Sather
Argall	Fairchild	Maher	Saylor

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

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

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 844, PN 1975**, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004 and for the additional capital budget transportation assistance project itemization for the fiscal year 2003-2004; providing for limited waiver of local requirements;

further providing for the location of a crime laboratory facility; and making a repeal.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones Lynch Nailor Roberts  
Godshall

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

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

The SPEAKER. At this time I would like to turn the gavel and the Chair over to Representative Allan Egolf. Please.

#### THE SPEAKER PRO TEMPORE (C. ALLAN EGOLF) PRESIDING

The SPEAKER pro tempore. This ought to be good.

#### SUPPLEMENTAL CALENDAR A

#### RESOLUTIONS PURSUANT TO RULE 35

Ms. JOSEPHS called up **HR 932, PN 4786**, entitled:

A Resolution observing December 1, 2004, as "World AIDS Day" in recognition of global challenges and obligations relating to the HIV and AIDS pandemic.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—197

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

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

\* \* \*

Mr. WILT called up **HR 934, PN 4788**, entitled:

A Resolution proclaiming the week of January 16 through 22, 2005, as “Snowmobile Safety Awareness Week” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—197

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

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

### FAREWELL ADDRESS BY MR. EGOLF

Mr. EGOLF. I guess the time has come to give my farewell speech. I am reminded of the little boy who asked his father if all fairy tales begin with “Once upon a time,” and his father said, “No, Son; sometimes they begin with, ‘If I’m elected...’”

And that reminds me, a minister and his local politician actually died about the same time and went up to the Pearly Gates, and St. Peter met them and was giving them room assignments, and he gave the key to the minister and said, “You’ll be in a very nice efficiency unit” and turned to the politician and gave him a key, and he said, “You’ll be in one of our finest penthouse units.” And the minister said, “That’s unfair,” and St. Peter said, “Well, listen; ministers up here are a dime a dozen, but politicians are very rare.”

I have some more politician jokes, but I think we will not do those because we politicians do not like them and nobody else thinks they are jokes.

Well, I certainly have mixed feelings about leaving here. I certainly will not miss these sine die late nights and lameduck sessions. But I have felt extremely fortunate and greatly honored to have had the opportunity to serve here with you in

this really magnificent hall of the House. That part I am really going to miss.

During these past 12 years, people have often asked me how I got into politics. I had never really had any early ambitions to go into politics, and I must say, I have really had a blessed life and would change very little of it. I grew up in rural Perry County, which, of course, is my area now that I represent along with part of Franklin County, the rural area of Franklin County. I had what I would describe as a real fantastic childhood – building treehouses; swimming in local creeks; playing Little League baseball; learning work ethic from my parents, working on the farms, local farms, in the summer; and attending a one-room schoolhouse. And in that setting, that is where you really learn some good commonsense things, like things that Will Rogers – if you remember Will Rogers, he is the one that said that he never met a man he did not like – he had some commonsense things. He advised, for example, he said, never kick a cow chip in the summer on a hot day. He said, never slap a man who is chewing tobacco; if you find yourself in a hole, stop digging. And he said – and this is a good one – he said, there are three kinds of men: the ones that learn by reading, the few that learn by observation, and he said, the rest of them have to pee on the electric fence to find out for themselves. And that probably goes along with the next one. He said, good judgment comes from experience, and a lot of that comes from bad judgment. And the last one he said is, never miss a good chance to shut up. And I guess I probably better do that.

I grew up in that area and went to Penn State; was commissioned through the ROTC (Reserve Officers' Training Corps) into the Air Force; served all over the world as an Air Force meteorologist – served from Massachusetts to Mississippi, from Germany to Vietnam.

In Mississippi I met a wonderful young lady during my assignment to Keesler Air Force Base, Mississippi, and she was a keeper, and we just celebrated our 42d wedding anniversary this summer, and what a real blessing she has been to me. I would like you to meet her. That is Nancy. If you would stand up, please, Nancy.

And I would like you to meet our daughter, Pamela Cockley, and our three grandchildren over here – stand up – Olivia, 8; K.C. is 4; and Vivian, just over 1 year.

I had a very rewarding career in the Air Force, in the United States Air Force; retired at Langley Air Force Base – that is in Virginia – after 23 years. We then came back to Perry County. I taught earth science in Carlisle for 4 1/2 years and dabbled in some real estate sales.

And then my predecessor – some of you probably remember him – Representative Fred Noye, announced his retirement, and as other people were announcing their intentions to run for the seat, an attorney friend of mine suggested that I run for the seat, and I just laughed at him. I took it as a joke at the time, because I had never really participated in politics or knew anything about it. And then a local judge came to me and suggested that I consider the possibility.

And while in the Air Force, Nancy and I always voted, no matter where we were, most of the time absentee, because I believed, strongly believed, that we had no right to complain if we did not vote. So I started thinking about the same thing here: If unwilling to run, then I did not have a right to complain. Our children were grown and gone, they were away from home, so I really had no good reason not to run. So I threw my hat into the ring rather late, and we had 14 candidates in the

Republican primary at that time, and after the endorsement process, which I did not get endorsed, but after that it went down to 8 and 1 Democrat.

And I, who disliked politics or thought I did, ended up really enjoying campaigning, going door to door, and strategizing, and I used the military tactic of divide and conquer, and to everyone's surprise, especially the news media, I won.

And when I came down to the Capitol for the first time – I can remember coming in here and visiting – I was just in awe to see this. I could not believe that I was in this majestic, magnificent place where all these really smart people were making laws.

And after 12 years, it is still a thrill to me, really, to drive across the Harvey Taylor Bridge and see the dome of the Capitol shining in the sunlight, and I think that that is where I am so fortunate to work, and that is the place that K.C. calls Da-dad's Capitol.

And to walk into this beautiful chamber is still awe-inspiring to me and humbling. And to look at the Apotheosis here behind us, behind me, and seeing the great men of Pennsylvania's history – William Penn, Ben Franklin, Daniel Boone, and so on – it just reminds me what a great legacy and what a responsibility I have to live up to.

And I remember reading somewhere early on something that William Penn wrote, and he said, quote, "Governments, like clocks, go from the motion men give them, and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad;" because "if it be ill, they will cure it. But if men be bad, let the government be never so good," because "they will endeavor to warp and spoil it to their turn," unquote.

And I know when we come in here, we are given the title – and we give it to ourselves – we are given the title "Honorable," and I thought at the time, why? You know, when I first came, I was immediately given that title, and I had not really earned it, and so I really felt obligated from then on to try to live up to it and to earn it.

And I made up my mind to do that. I set a number of standards to guide my voting and decisionmaking when considering legislation, whether it is voting or deciding whether to introduce legislation, and several of those principles are: Is it really needed, or is it just feel-good? What is the problem that we need to fix? Will it hurt or help families? What will be the effect on traditional family values? Will there be a cost to the taxpayers? Is it moral? Will it augment or diminish individual freedom? Will I be comfortable explaining my vote back home? Can I go home and hold my head up?

And using those principles, I found that it really makes it easy to make decisions and to be able to explain to constituents back home why I voted. They may not agree, but they generally understand that I did it according to principles, and so I always hope and feel that they feel that I have lived up to them.

And also, I tried to remember that the money that we appropriate and spend actually belonged at one time to those individual taxpayers. Someone had worked and had given up that money as taxes. And I think we have to remember whom we work for. It was not the government but it was the people of our districts who hired us, and it is too easy, I think, to get into a mode of spending their money on things that we think will get our names out in the public and help keep us in office, rather than think of ways to cut government costs so that we can let

them keep more of their own money. And those have kind of been my guiding principles.

And also, I try to think about the long-term effects. Thomas Jefferson warned, quote, he said, “the natural tendency is for government to grow and liberty to retreat,” and that is a natural tendency. And again, I need to be reminded; I need to remind myself of these things, and I hope maybe it gives others here something to think about. I constantly remind myself that we have a great, great responsibility as lawmakers.

Being stationed in and traveling around the world in the Air Force, from Germany and France to Vietnam, Thailand, Guam, and the Philippines, I really got a great appreciation of the uniqueness of America, and it is just too bad more people and more of our young people cannot travel and see the difference.

The reason we have the greatest country in the world – and we do – is not because we are better people, but it is because of one thing, our unique Constitution, and that is the most respected, the most copied, and the longest lasting Constitution in the history of the world.

America is a nation based upon common ideas of personal liberty and responsibility, representative government, and equal justice before the law. In short, America is based on ideas. It was never made up of bloodlines, like so many countries.

Our Founding Fathers, of course, wanted to base our new government on the power of God, not on the power of man, and they said, what man gives, man can take away. But the Creator endowed us with certain unalienable rights, and you all know that as the right to life, liberty, and the pursuit of happiness. So they wrote a Constitution to guarantee those rights. They gave us, of course, the three branches of government, the separation and balance of powers, to ensure that no one person or group could take away those freedoms.

The Purple Heart veterans who were here last week, as all veterans, took an oath when they joined our military service, and I ask you, do you really know what the oath was that they took? It was not to protect and defend our country; it was to protect and defend our Constitution, because they knew, without that Constitution, our government as we know it would soon cease to exist.

Back about the time our original 13 States adopted their new Constitution, in the year 1787, Alexander Tyler, who was a Scottish history professor at the University of Edinburgh, had this to say about “The Fall of the Athenian Republic” some 2,000 years earlier; he said, quote: “A democracy is always temporary in nature; it simply cannot exist as a permanent form of government. A democracy will continue to exist up until the time that voters discover that they can vote themselves generous gifts from the public treasury. From that moment on, the majority always votes for the candidates who promise the most benefits from the public treasury, with the result that every democracy will finally collapse due to loose fiscal policy, which is always followed by a dictatorship. The average age of the world’s greatest civilizations from the beginning of history,” he said, “has been about 200 years” – 200 years. “During those 200 years, these nations always progressed through the following sequence” – and this is very interesting; listen to this, and think about the United States – he said this is the sequence they go: “From bondage to spiritual faith.” Think about our ancestors when they came over here to get away from bondage because of their faith. It goes then “from spiritual faith to great courage,” and it took courage to come to this uncivilized,

new area of the world. It goes then “from courage to liberty,” and of course, they went through and fought and won our liberty here in our country. It goes “from liberty to abundance; from abundance to complacency; from complacency to apathy; from apathy to dependence; from dependence back into bondage.”

A professor at Hamline University School of Law, St. Paul, Minnesota, believes the United States is now somewhere between the complacency and apathy phase of his definition of democracy, with some 40 percent of the nation’s population already having reached the governmental dependency phase.

But I think we have something different than those other democracies – and again, it is our Constitution – to keep our freedoms.

When Ben Franklin walked out of Carpenters’ Hall in Philadelphia in 1787, after the Constitutional Convention, a concerned citizen asked him, “What did you give us, a Monarchy or a Republic?” And Ben Franklin replied, “A Republic, if you can keep it!” And I think that is very profound.

I think if we keep all these things in mind, these lessons from history, the concerns of our Founding Fathers, we can each do our part to preserve our great country for our children and grandchildren.

Serving with you here in the Pennsylvania House of Representatives has been the experience of a lifetime for me. I have made many great friends, and to paraphrase Will Rogers, I have not met anyone here in the House that I did not like. The opportunities to see and experience life and work across our Commonwealth through our committees, the hearings that we have, the visitation – we go around the State – and the tours, from hog farms in Lancaster County to shipyards in Philadelphia, from the Scotland School for Veterans’ Children to sailing on the Flagship Niagara up in Erie to the PNC stadium in Pittsburgh, these were experiences and memories of a lifetime for me.

And people have asked me why I am retiring and what am I going to do after retirement, and the answer is right over there – my grandchildren. I want to be here for them.

Family issues, of course, for me, have been a major focus of mine here in the legislature, so I figured it is really time for me to live what I preach and spend more time with the family. Two or 3 years in their life is a big difference, a big change, and so I want to be there. I do not want to look back later and say, I wish I had gotten out at that time and had been with them, because as you know, the time spent here on our job is a big job. A lot of people do not realize how much time we all put in on this, and there just is not time to spend with them. So that is what I want to do.

And I want to thank everybody here. We have had fantastic staff here in the House, in our research committees. I want to thank my staff: my secretary here, Teri Root – I think she is here in the House somewhere, up in the gallery – and back in the district, Linda Golden and Carol Gantt and Paula Stiffler.

And I especially want to thank my wife for being with me these past 12 years. She has traveled with me as I went to meetings. She likes it, but it does take time. She is a piano teacher and many times has to reschedule just to go with me, and I want to thank her especially. And Cuppy, if you would come up here. Where is Cuppy? It is a dozen roses for my wife – one for each year of the past 12 years that she has stood with me.

May God bless all of you in your important work here in the House of Representatives for Pennsylvania, and may God bless

our great State of Pennsylvania and our United States of America.

Thank you very much.

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

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit remarks in recognition of the retirement of my district legislative aide, Marge Graham; submit remarks for the record.

The SPEAKER. The gentleman may submit his remarks for the record.

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

Today I would like to take this opportunity to recognize my district office legislative assistant, Marge Graham. Marge is retiring after 16 years of dedicated, outstanding public service to the residents of Pennsylvania's 170th Legislative Districts of Northeast Philadelphia, Abington, and Rockledge.

Marge Graham has touched the lives and has helped to make a difference to so many. I thank Marge for the many years of loyal service to me and those we both represented. I, like so many, will miss her warm heart and her bright smile. I especially will miss her homemade lunches she so often prepared for us in the office. I wish Marge and her husband, Bill, all the best in life as they relocate to Morris, Tioga County.

On behalf of the residents of the 170th Legislative District, thank you, Marge Graham, for a job well done.

**SUPPLEMENTAL CALENDAR E**

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 30, PN 4778**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for residential telephone service rates based on duration or distance of call and for local exchange service increases and limitations; adding and repealing provisions relating to alternative form of regulation of telecommunications services; establishing the Broadband Outreach and Aggregation Fund; providing for Voice Over Internet Protocol; and making a repeal.

On the question,

Will the House concur in Senate amendments?

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

On that question, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

This is a fairly major piece of legislation. I just want the members to be alerted to it, and I would like, perhaps, to start

out the discussion by requesting that Mr. Adolph give a brief explanation of the Senate amendments.

The SPEAKER. The gentleman, Mr. Adolph, indicates that he will give a brief explanation.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, HB 30, if I could digress just for a minute, has been a bipartisan effort to reauthorize Chapter 30 of the Public Utility Code. The legislation supports and accelerates the availability of broadband and other advanced technologies in neighborhoods, school districts, and business communities throughout the entire Commonwealth. As you will recall, the Chapter 30 statute enacted in 1993 expired last year, last December 31. HB 30 passed the House by a vote of 163 to 35 last November.

To get to the Senate amendments, there was quite a bit of change made to HB 30. I think what it did is it made a very good bill a better bill.

Number one, as amended by the Senate, it accelerates the deployment of high-speed broadband into urban, suburban, and rural Pennsylvania through the election of an optional network modernization plan. The legislation provides for a reduction or elimination of the inflation offset that is tied to accelerated deployment in rural, suburban, and urban local exchange company service territories.

Second, Mr. Speaker, as amended by the Senate, it requires all ILECs (incumbent local exchange carriers) that elect to deploy high-speed broadband networks to 80 percent of its service territory by the year 2010 and 100 percent of its service territory by either the year 2013 or 2015. Additionally, it establishes a business attraction or retention program. This program would provide for the aggregation of business requests for high-speed broadband services from businesses that the Department of Community and Economic Development is desirous of attracting or retaining in this Commonwealth. DCED would be required to work with the local telephone companies, industrial development agencies, and economic development organizations to identify, aggregate, and foster the deployment of specific broadband services to requesting businesses.

Third, Mr. Speaker, HB 30, as amended by the Senate, requires the Department of Education to establish an Education Technology Program to provide broadband discounts, grants for the purchase of telecommunications equipment, and technical assistance for distance learning and other initiatives that will improve educational opportunities throughout the Commonwealth. The Department of Education would be charged with developing program guidelines and application criteria. Nonrural telecommunications companies will deposit \$7 million in an E-Fund to support the program. Additionally, 10 percent of any projected rate increase would be deposited into this E-Fund.

Fourth, HB 30, as amended in the Senate, requires any ILEC that elects to amend its network modernization plan to provide schools with a minimum 30-percent discount on broadband mileage rates when the school enters into a minimum 3-year contract with the ILEC to provide broadband service.

Fifth, it establishes a special fund in the Department of Treasury to provide residential consumers, health-care facilities, political subdivisions, economic development entities, schools, and businesses with seed grants to educate communities about the procurement, use, and benefits of broadband. Ten percent of

any rate increase resulting from the elimination or reduction of an ILEC's inflation offset, up to \$5 million annually, would be deposited into the Broadband Outreach and Aggregation Fund.

Sixth, as amended, it will allow eligible low-income telephone customers to participate in the Lifeline program and purchase unlimited vertical services, such as caller ID, call waiting, three-way calling, voice mail, et cetera, in addition to basic telephone service. The Department of Public Welfare would be required to automatically notify a consumer requesting another social service from the State of his or her eligibility for the Lifeline program.

Seventh, as amended by the Senate, it protects telecommunications employees from retaliatory conduct when the employee reports any wrongdoing, waste, or potential violations of the commission's orders, regulations, or provisions of Chapter 30. The burden of proving that any action against an employee was based on conduct unrelated to whistleblower activities rests on the telecommunications company.

Finally, Mr. Speaker, as amended by the Senate, HB 30 recodifies existing section 1301 of the Public Utility Code, which states that rates shall be just and reasonable. Additionally, the legislation grandfathers rate change limitations contained in current network modernization plans, and keep in mind that there is an \$18 cap for basic telephone service.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. ADOLPH. Thank you.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the sponsor of HB 30?

The SPEAKER. The gentleman, Mr. Adolph, indicates he will stand for interrogation. The gentleman, Mr. Thomas, is in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me applaud the members of the Senate for taking some real steps forward with HB 30. As you know, when it left the House, I voted against it, because I believed that it needed a lot of work, and it appears as though a lot of that work has been done. But I have a couple questions.

Number one, is there a sunset provision in the bill or is there a timetable in the bill which allows the House and Senate to measure progress, because as you know, especially with rural Pennsylvania, there were a lot of concerns about if we do the same thing we did 10 years ago, then we would not be able to address the issue of broadband in schools and in rural Pennsylvania until the 10 years is up. So my first question is whether there is a sunset provision and/or whether there are some provisions in the bill that will allow the House and Senate to measure progress.

Mr. ADOLPH. Thank you, Mr. Speaker.

As we stated probably about this time last year, HB 30 was a work in progress, so I would agree with your comments, Mr. Speaker, that what is in front of us today is a better bill than what it was when it left the House.

To answer your question specifically regarding a sunset provision, the answer to that question is no, Mr. Speaker. However, there are many safeguards in the bill that will allow this House and the General Assembly to open it up, as well as it also gives the PUC (Public Utility Commission) the power to monitor what this bill is doing.

Mr. THOMAS. Okay, but with the PUC oversight, does that mean that the PUC will have an opportunity to question and/or take corrective steps or just question?

Mr. ADOLPH. Mr. Speaker, the PUC will have the authority to assess penalties, et cetera, if they do not meet their goals.

Mr. THOMAS. Secondly, Mr. Speaker, I did not hear all of the Senate debate, and I understand that the vote on HB 30 came right down on party lines, but I did hear through some point of the debate that the Governor could veto this bill, and my question therefore is, do you know where the Governor's Office is on the amended version of HB 30?

Mr. ADOLPH. Mr. Speaker, I, too, did not hear all the Senate debate. This went on to the wee hours of the morning. But I believe the vote in the Senate was 27 to 20. I am positive that it did not go along party lines. I do know that Senator Boscola, who, I believe, is a Democrat from the Lehigh Valley, supported the legislation as well as Senator Anthony Williams from Philadelphia County supported the legislation. So I felt that this piece of legislation in both the House and Senate has had bipartisan input and support.

Mr. THOMAS. Okay. But again I ask, have we heard from the Governor's Office, since a lot of the changes that were made to HB 30 were recommendations coming from the Governor's Office? So is the Governor's Office now comfortable with HB 30?

Mr. ADOLPH. I have a letter here, Mr. Speaker, dated November 10, from Gov. Ed Rendell, and he listed issues that he felt needed to be addressed in HB 30. I am happy to say that almost all of these issues have been addressed with the Senate amendments, and I believe that this is truly a compromise proposal.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am extremely satisfied with your responses, and I agree that this bill has seen a 360-degree turn, and I just hope that it will provide all of Pennsylvania with the kind of technical assistance and kind of support that are needed to bring all of Pennsylvania into the 21st century.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Lawrence, Mr. LaGrotta.

Mr. LaGROTTA. Very briefly, Mr. Speaker, thank you very much.

Mr. Speaker, I am honored to serve this Commonwealth as one of 12 members of the Federal Communications Commission Advisory Committee, and I can tell you, having monitored what 49 other States are doing on this issue, that the bill we are about to pass, which Governor Rendell will sign, would be crazy not to sign, will put Pennsylvania at the forefront of all 50 States in achieving this kind of technological advance.

Mr. Speaker, this bill, HB 30, more than any other piece of legislation we will consider in this sine die session, is a result of Republicans and Democrats, the administration, the House and the Senate, working together, compromising and putting together a piece of legislation that will benefit every Pennsylvanian – rural, urban, suburban; all of Pennsylvania.

Mr. Speaker, I believe we should move quickly to pass this bill and get it to the Governor's desk, where I am confident that he will sign it to benefit Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. McCALL. Thank you, Mr. Speaker.

Not to kick a dead horse, but I rise in support of HB 30 and certainly want to commend all of the leaders who brought this issue to the forefront and made a good bill an even better bill.

This bill will provide the most aggressive, the most aggressive and comprehensive broadband network deployment in the country, with the guarantee that if those benchmarks are not met, that they will also feel the most severe penalties if they do not meet those deployment benchmarks of \$250 million.

This is a great bill. We have seen the Consumer Advocate come to the table, and a myriad of the concerns that he had issued about this legislation, the majority of those concerns have been allayed in this legislation. Organized labor, with the whistleblower protections, has been allayed with the amendments placed into this bill, and the school districts that have been aggressively deploying their own broadbands have been satisfied with a lot of money, from \$40 million to \$60 million provided to the school districts to deploy broadband.

This is an excellent piece of legislation. It puts us on the cutting edge and forefront in broadband technology in the world, and I would urge the members to support the legislation.

The SPEAKER. The Chair thanks the gentleman.

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

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

I rise and ask the members to be able to concur on the Senate amendments in dealing with this bill.

I think it improves the educational components that we want to be able to deal with to bring us into the 21st century. I think that it also adds for the future, in adding different things as far as technology, to what we call infrastructure improvement; that when we build things, whether it is hospitals or new schools, in a lot of the different rural areas, that they will be hooked up into the world of today.

But I also think in the suburban and the urban areas, that through adequate and effective modern technology and deployment, that we will be able to have a better future. As technology continues to change and as this world continues to evolve, HB 30 will keep us into the curve.

Personally, I would like to be able to thank Representative Adolph and Representative Bunt, who worked very hard on this, because it was over a year ago, a year ago almost today, that we sent this over to the Senate. We have been through different things, sir, that we wanted to talk about as far as people wanted extensions, people wanted to be able to delay the different things, and I would like to think that those members of the House Consumer Affairs, we made effective, real management decisions, and we delivered the product and outline.

Is everything always going to be perfect? No. But this goes a long way forward as we look at the years 2010 and 2015. But as we continue to improve, we will come back to this and tune it up if we have to again. But I wanted to be able to thank members of the Consumer Affairs Committee and members of the House for being able to put this on the table and get us going on this.

There are a lot of different things. Senior citizens are also going to benefit, as they have more of a say-so and an opinion on it, and we will be able to work additional things out.

So I wanted to be able to thank you. I encourage the members to vote and concur in the Senate amendments to HB 30.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Veon. Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I think some of the members recall that when we stood here and debated this issue some months ago, I stood here for a couple of hours and did my very best and worked very hard to defeat the bill that left the House. Obviously, I did not do very well, because we did not get very many “no” votes on that bill.

I was extremely disappointed in the bill that left the House and went to the Senate and tried very hard to offer a number of amendments here on the House floor to do what I thought were improvements to that bill, particularly for consumers and for workers. We were not successful in the House, but, Mr. Speaker, I am prepared to support this bill that is back here on concurrence today. Frankly, many of those amendments that we offered here on the floor of the House are contained in this bill here today and that there are new worker protections in law, like a strengthened whistleblower provision that was not in the bill when it left the House, and frankly, there are some stronger consumer protection provisions that we offered on the floor of the House unsuccessfully that are contained in this bill that is in front of us today.

Along with the other things mentioned by some of the members here, the incredible deployment of broadband in the State, the funding to provide connectivity to school districts all throughout the State that I think has a chance to make Pennsylvania a model in the nation, that was a concept that we worked hard to push for in the House, the first time unsuccessfully, is in this bill.

So I do give a lot of credit for the members that have worked hard on this issue in the House, and I am certainly proud to stand here today, for a dramatically improved bill, to recommend concurrence, to ask for concurrence, and a “yes” vote on HB 30.

Thank you, Mr. Speaker.

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

Mr. STAIRS. Thank you, Mr. Speaker.

Earlier in this session, I was fortunate to be a chairman of a task force commission on rural education, and one thing we found as we crisscrossed the rural areas of Pennsylvania was the lack of technology and opportunities in our rural schools. Our rural schools had many disadvantages than the suburban and urban schools have, and we found, among several suggestions, one that was very plain and very clear and was a great equalizer to endeavor rural students to have opportunities that their suburban and urban counterparts have, and that was the opportunity to use the Internet and the technology and the network of communication to take them from their little, small communities to the large cities of this great Commonwealth.

So I am very happy to support this legislation, and I appreciate the great work of the Senate and also our side for finally putting together a bill that is going to make a difference, particularly for rural schools, and give our young people opportunities that they would never have because of lack of funding and smallness of size.

So this area is so important, and also, an added benefit, it is going to help economic development in rural communities, too, so not only will these younger people get a good education in the small towns and countryside, but once they get an education, there is going to be more opportunity for them to return home



and not be a brain drain to those rural communities and leave for the larger cities.

So it is really going to strengthen our rural Pennsylvania, and I gladly support this and applaud all the efforts that we all have done to make this a great bill for the future of Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, this is a historic time in that we are transforming the way that this Commonwealth is going to communicate, conduct its business, and educate our children.

I want to personally thank and congratulate members of the House Consumer Affairs Committee, especially Chairman Preston and his great staff, Gail Davis; Representative Bill Adolph and, naturally, Jodie Stuck; Representative Frank LaGrotta; Representative Keith McCall; and also to Representative Rooney and Representative Veon, who made many suggestions very early in this process, and ultimately, in a way to compromise, many of their suggestions were incorporated within the final bill, and I congratulate those two fellows as well.

We all shared a vision, embraced this complicated issue, and we worked diligently over the last 2 years to advance the deployment of top-quality telecommunications and services throughout the entire Commonwealth.

Likewise, I want to commend my colleagues in the Senate for their hard work and patience throughout the deliberation process. The leadership especially of Senator Corman, Senator Boscola, and Senator Tomlinson, their work on this issue and their staff, is truly to be commended.

Mr. Speaker, I would urge the members for a strong concurrence on this bill.

Thank you.

The SPEAKER. The Chair at this time recognizes the gentleman from Delaware, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

I want to thank the previous speakers for their input and the way they expressed themselves. We were up against it about this time last year. There was a sunset provision. I agree with the previous speakers that the Senate has put in amendments that improved the bill, and after 2 1/2 years of hard work and negotiations and compromise, I am pleased with the final results.

It has been a true pleasure to work with the cosponsor of this piece of legislation, Chairman Preston, and his staff. I cannot say enough about the former Consumer Affairs chairman, Ray Bunt, and his staff. They just worked diligently. And the young lady standing next to me, Jodie Stuck, for the last 2 1/2 years, this was her life, and she educated many members in this House on this legislation.

I think as a result of the work that Senator Corman and Senator Tomlinson did in the Senate, this is a better piece of legislation, and this is going to take us into the future, and it is going to help our schools, it is going to help our businesses, and it will make Pennsylvania a better place to live.

So I want to thank everybody for making HB 30 a reality. Thank you.

I urge a “yes” vote on HB 30 on concurrence.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—186

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

#### NAYS—11

Fairchild	Hanna	Maher	Rooney
Feese	Hutchinson	Nickol	Vitali
Habay	Mackereth	Phillips	

#### NOT VOTING—0

#### EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1211, PN 4768**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for health care provider retention account; providing for personal needs allowance deduction for medical assistance eligible persons in nursing facilities; further providing for certain time periods relating to ICFs/MR, for podiatrists in the health care providers retention program and for the expiration of the Health Care Provider Retention Program.

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

The SPEAKER. It has been moved by the gentleman, Mr. Micozzie, that the House do concur in the amendments inserted by the Senate.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, once again I have to show my respect to the doctors' special interest groups and the tremendous job they have done spinning this issue.

First, they convinced people that we were in a medical malpractice crisis and said doctors would have to leave the State, but those claims did not hold up.

Then they convinced the State to kick in and help them out with their medical malpractice bills, even though the largest reason that rates have gone up has more to do with the financial struggles of the insurance industry than anything to do with the rights of people who are wrongfully injured.

Now, after taking more than three-quarters of a billion tax dollars, they are back again, asking for more money, begging for more help, threatening to close their offices and leave Pennsylvania forever, just like the doctors in other States are threatening to leave Ohio and New Jersey and move here to get money from those States.

One of the specialties most often named as "leaving" is OB-GYNs (obstetricians-gynecologists). Under the current Mcare (Medical Care Availability and Reduction of Error) abatement program, the statewide average medical malpractice abatement for OB-GYNs is \$38,000 per year, an average of 38,000 tax dollars that each and every OB-GYN receives each and every year to help pay those medical malpractice insurance bills. But still the doctors say, "No, we want more, or we're going to leave." Where they are going, we do not know.

Now, what legislation was used for the doctors' latest money grab? A measure that would allow persons in long-term-care facilities to keep an extra \$10 per month so they can purchase necessities. They looked at a bill that allows someone who was a retired steelworker and lives in a nursing home to have 10 more dollars per month and said, "We've already taken three-quarters of a billion dollars from the taxpayer...if we attach our windfall to this bill, there is no way it can fail!" So this bill gives \$120 per year to each senior for such luxuries as shaving cream and slippers, while it gives an average of \$38,000 to an OB-GYN doctor.

We have already given \$760 million to the doctors. This extension will add another \$926 million. That is \$1.7 billion of your money paid to the doctors, and they say, "No. We want more."

Meanwhile, 100,000 working families live without any form of health insurance in this Commonwealth. Over 1.38 million Pennsylvanians have no health-care coverage. Forty-seven percent of the uninsured in this State have income levels at or below 200 percent

of Federal Poverty Guidelines; that is \$17,960 annually for one person, about half what that OB-GYN gets in his Mcare abatement.

The worst part in all of this is we all know that when we return to session in January, our mailboxes will be crammed with letters from doctors saying "More! More! More! We need more tax dollars!"

Mr. Speaker, enough is enough. We should use this money to help the uninsured, not for extortion payments to special interest groups.

I urge a "no" vote.

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

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

The following roll call was recorded:

### YEAS—197

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

### NAYS—0

### NOT VOTING—0

## EXCUSED—5

Bebko-Jones Lynch Nailor Roberts  
Godshall

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1535, PN 4776**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for administrative personnel for the collection of taxes, for earned income taxes and for collection of taxes by suit; and providing for costs of collection of delinquent per capita, occupation, occupational privilege and earned income taxes and for legal representation.

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

## LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The gentleman from Philadelphia, Mr. KENNEY, requests a leave of absence. Without objection, that leave will be granted.

## CONSIDERATION OF HB 1535 CONTINUED

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

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

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

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

The following roll call was recorded:

## YEAS—196

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones Kenney Nailor Roberts  
Godshall Lynch

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2308, PN 4745**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

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

The SPEAKER. It is moved by the gentleman, Mr. O'Neill, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

## YEAS—196

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2561, PN 4770**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Luzerne County Historical Society, certain lands and building situate in the Borough of Forty Fort, County of Luzerne, Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, through competitive bidding or public auction, certain tracts of land together with any improvements thereon situate in the Twelfth Ward of the City of Allentown and in Salisbury Township, Lehigh County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society, situate in the Township of Upper Augusta, County of Northumberland; and making a repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentlelady, Ms. Mundy, that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

## YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2638, PN 4649**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for alternative collection of delinquent property taxes; and providing for assignment of claims by taxing district.

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

The SPEAKER. It is moved by the gentleman, Mr. Cappelli, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—190

Adolph	Egolf	Lewis	Sather
Allen	Evans, D.	Mackereth	Saylor
Argall	Evans, J.	Maitland	Scavello
Armstrong	Fabrizio	Major	Schroder
Baker	Fairchild	Manderino	Scrimenti
Baldwin	Fichter	Mann	Semmel
Bard	Fleagle	Markosek	Shaner
Barrar	Flick	Marsico	Smith, B.
Bastian	Frankel	McCall	Smith, S. H.
Belardi	Freeman	McGeehan	Solobay

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

NAYS—6

Feese	Habay	McIlhattan	Reichley
Forcier	Maier		

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2745, PN 4754**, 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 concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Baldwin, that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—196

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2798, PN 4777**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for eligibility for elective borough office, for general powers of mayor and for borough powers to convey land.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentlelady, Mrs. Rubley, that the House do concur in the amendments inserted by the Senate.

The gentleman, Mr. Vitali.

Mr. VITALI. Could we have a brief explanation of this one, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Nailor, is on leave.

Is the chairman of the Local Government Committee available to— The gentlelady, Mrs.— I thought you were standing up there, Carole. I apologize.

Mr. VITALI. Mr. Speaker, I withdraw my interrogation.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

## SUPPLEMENTAL CALENDAR C

### RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move to suspend the rules for immediate consideration of SB 492, PN 1653.

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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 **SB 492, PN 1653**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

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

Mr. **FLEAGLE** offered the following amendment No. **A5024**:

Amend Sec. 1 (Sec. 2713), page 51, line 1, by striking out "LAWFUL"

Amend Sec. 1 (Sec. 2713), page 51, line 2, by inserting after “ATTORNEY”

or a health care representative who is a spouse, parent, sibling or lineal descendant of the care-dependent person in accordance with 20 Pa.C.S. Ch. 54 Subch. C (relating to health care agents and representatives).

Amend Sec. 4 (Sec. 5442), page 54, lines 13 through 15, by striking out all of lines 13 and 14 and “PERMANENTLY UNCONSCIOUS,” in line 15 and inserting  
intervention that

Amend Sec. 4 (Sec. 5442), page 54, lines 19 and 20, by striking out “IF THE ADVANCE HEALTH CARE DIRECTIVE OR ORDER SO SPECIFICALLY PROVIDES”

Amend Sec. 4 (Sec. 5443), page 65, lines 14 and 15, by striking out “AND IN A TERMINAL CONDITION OR IN A STATE OF PERMANENT UNCONSCIOUSNESS”

Amend Sec. 4 (Sec. 5462), page 80, line 19, by striking out “OR” and inserting a comma

Amend Sec. 4 (Sec. 5462), page 80, line 20, by removing the period after “PRINCIPAL” and inserting

, or a health care representative who is a spouse, parent, sibling or lineal descendant of the principal objects on behalf of the principal.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Fleagle, on amendment A5024.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, this bill has been a long-suffering process, and it is very complicated. I know in caucus there were probably only a handful of people that could read through it and understand everything about it, but there are probably two or three concerns in the whole process that have not been addressed or that people are actually concerned about. The amendment that is before us now would address one of those concerns, and that is that there is the possibility – and granted, it exists now – that an unrelated third party could come forward to assert its right as a health-care representative, and as I said, that is how it exists now, and this legislation would not change that.

I would like to insert that amendment, but I also understand that this bill has taken a long time, a lot of hours of work, and I think the bill moves us forward.

#### AMENDMENT WITHDRAWN

Mr. FLEAGLE. I have commitments from staff and leadership of the appropriate committees that next term we will certainly be looking at some of the questions that came up in this bill, and accordingly, Mr. Speaker, I will be withdrawing this amendment and working on it with them in the next term.

Thank you.

The SPEAKER. Does the gentlelady from Philadelphia, Ms. Josephs, wish to be recognized?

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to interrogate perhaps the gentleman who just spoke about a change in language that I do not understand.

The SPEAKER. The gentleman indicates that he will try to explain the change in language, if you will give him the question.

Ms. JOSEPHS. Thank you.

Mr. FLEAGLE. Mr. Speaker, I just withdrew the amendment.

The SPEAKER. I think she is talking about the bill.

Ms. JOSEPHS. I am talking about the bill.

The SPEAKER. The gentleman, Mr. Birmelin, indicates he can handle the questions on the bill for the gentlelady from Philadelphia.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I want to draw your attention to section 5429, which starts on page 59 and deals with pregnant women.

On page 60 there is a section regarding the payment of expenses for treatment that would be provided to a pregnant woman by the Commonwealth, and if you will look at lines 21 to 23, it says that, I quote, “...THE COMMONWEALTH SHALL PAY ALL USUAL, CUSTOMARY AND REASONABLE EXPENSES DIRECTLY, INDIRECTLY AND ACTUALLY INCURRED BY THE PREGNANT WOMAN....” The language replaces or adds these three words: “AND ACTUALLY INCURRED.” I do not know what that does to change the meaning, if any, of the legislation which is now on the books, and if you have an explanation of that change, I would appreciate it, and then I have a further question.

Page 60, lines 21 to 23 – and you have to be looking at current law to see, really, the change – but the current bill says, “...EXPENSES DIRECTLY, INDIRECTLY AND ACTUALLY INCURRED...,” and present language says, “...directly and indirectly incurred...”

Mr. BIRMELIN. If the Chair would just be at ease for a minute, I think we could resolve this privately with the Representative.

The SPEAKER. The House will be at ease.

#### VOTE CORRECTION

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

Mr. VEON. Mr. Speaker, I have a vote correction.

The SPEAKER. The gentleman is in order.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, on SB 1211 on concurrence, my switch did malfunction. I was recorded in the affirmative, and I wish to be recorded in the negative.

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

Mr. VEON. Thank you, Mr. Speaker.

#### 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 798, PN 930

An Act prohibiting any municipal pension or retirement system in a city of the first class from denying certain benefits to surviving spouses of police officers or certain employees upon a subsequent remarriage of the surviving spouse; and making repeals.

##### HB 1929, PN 3940

An Act providing for the regulation of the installation of manufactured housing and for the powers and duties of the Department of Community and Economic Development.



**HB 2155, PN 4688**

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.

**HB 2315, PN 3236**

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for hearing and order for judicial sale; and providing for combined judicial sales.

**HB 2336, PN 3289**

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for judicial sales; and providing for procedure for judicial sale of multiple properties.

**HB 2748, PN 4663**

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, providing for part-time employees; and further providing for existing local retirement systems and compulsory and optional membership and for return to service relating to certain municipal employees and optional retirement plans.

**HB 2804, PN 4328**

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.

**SB 871, PN 1940**

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, further providing for appointment by nonprofit corporations; providing for humane society police officers' appointment, qualifications, authority and discipline; conferring powers and duties on the Department of Agriculture; establishing the Humane Society Police Officer Advisory Board; and making a related repeal.

**SB 904, PN 1905**

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 34 (Game), 42 (Judiciary and Judicial Procedure), 53 (Municipalities Generally), 68 (Real and Personal Property), 71 (State Government), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the name of "district justice" to "magisterial district judge" and replacing references to "justice of the peace" with "magisterial district judge."

**SB 936, PN 1250**

An Act providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties.

**SB 981, PN 1332**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for Educational Assistance Program definitions; and establishing the Educational Assistance Program Fund.

**SB 1032, PN 1920**

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, consolidating provisions on judicial procedure for name changes; further providing for name change by order of court; and making a repeal related to judicial procedure for name changes.

**SB 1052, PN 1946**

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority and to Robert L. and Karen N. Doult, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, and Ralph and Janet Toland, Sr., certain lands situate in the City of Erie, County of Erie; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Derry Township Municipal Authority a certain easement for sanitary sewer purposes, together with an existing sanitary sewer line and appurtenances, situate in Derry Township, Dauphin County; authorizing and directing the Department of General Services with the approval of the Governor, to grant and convey to Summerdale Associates, L.P. certain lands situate in the Township of East Pennsboro, County of Cumberland; and authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Doylestown, certain lands situate in the Borough of Doylestown, Bucks County.

**SB 1192, PN 1974**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth; and making a related repeal.

**SB 1233, PN 1848**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

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

**CONSIDERATION OF SB 492 CONTINUED**

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

Ms. JOSEPHS. Thank you.

I will briefly restate the question. The word "ACTUALLY" was inserted in a section which talks about expenses that might be paid by the State government rather than the family, and Mr. Birmelin has kindly consented to try and answer my question.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The basic answer is that that language does not change anything substantively. We are really not sure why the Senate inserted it, but we do know that it does not change the current situation under law.

Ms. JOSEPHS. And it is a relative mystery, I guess, to both of us why the Senate put that in.

Mr. BIRMELIN. Among many other mysteries that—

Ms. JOSEPHS. Yes, indeed.

Mr. BIRMELIN. —we seem to have around here; yes.

Ms. JOSEPHS. I have two other questions.

Does this modification of existing law pose any risk that the family might ultimately be paying for more expenses than under present law when expenses would be reimbursed by the Commonwealth?

Mr. BIRMELIN. The answer to that would be no.

Ms. JOSEPHS. And finally, if you can help me with who decides whether expenses are reasonable or whether they are direct or indirect or actual or usual or customary. Is there a person? Is there an institution?

Mr. BIRMELIN. The controlling agency, and we think it is either the Department of Public Welfare or the Department of Health that would determine that.

Ms. JOSEPHS. Thank you. Thank you, Mr. Speaker.

I appreciate your answers. I know it is difficult when things come from the Senate.

Thank you for your indulgence.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

\* \* \*

The House proceeded to third consideration of **SB 798, PN 1923**, entitled:

An Act establishing the Capitol Centennial Commission; providing for the commission's powers and duties; imposing a penalty; and providing for funding.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—196

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

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

### FAREWELL ADDRESS BY MR. SCRIMENTI

The SPEAKER. The Chair at this time would like to relinquish the Chair to the gentleman from Erie, Mr. Scrimenti. Mr. Scrimenti.

Mr. SCRIMENTI. Before I begin my remarks, I wanted to point out the bottle of grape juice at each of your desks. Welch's was kind enough to share this tasty token with you. The grapes found in many of Welch's products are grown in Erie County. Enjoy.

Saying goodbye is never easy, but I leave this chamber with tremendous memories and a great sense of pride and accomplishment.

They say you save the best for last, but I want to start with the most important people in my life first. I want to thank my wonderful parents and in-laws for their love and support, my beautiful children, and especially my wife Pam, who is not only my partner in life but who influenced me greatly during my service to the people of the 4th Legislative District and who worked tirelessly on my behalf during my many campaigns.

I have spent 25 years of my life in public service, 16 of them right here in the House of Representatives. I believe that call to service started very early in my life. Coming from a family of 10 children taught me the importance of giving, sharing, and serving.

Now, no one can predict what turns or twists life will take or what tomorrow may bring, but I do not leave here on a sad note; I leave here with tremendous satisfaction.

All of us have issues we feel are very important. I believe mine is and has been working with our local volunteer fire companies. Volunteer firefighters, in my estimation, are the unsung heroes of our communities. They work without a paycheck and put their lives on the line every day. I am so proud that I could present them with money to keep their companies running and updated. Helping them to alleviate the burden of constant fundraising is very fulfilling. I salute all of our firefighters in the Commonwealth.

I am also very proud to have had an opportunity to sponsor a portion of an economic development package that will spur tourism in our Commonwealth. It will also help farmers and agricultural professionals learn new technologies and create solutions to problems.

And lastly, I have spent my time in the legislature working to make government more accessible to the people. It seems like such a simple concept – go out and serve those who elected you to office – but in practice, I am sure you all know it is much more difficult. I hope that even after I leave these halls, the sense of feeling that local and State government is accessible will linger.

Thank you to all the support staff and those people we encounter every day that are always so pleasant and ready to serve. I know there are so many of you to acknowledge, so I simply say, thank you.

To our Democratic leaders, thank you, Bill DeWeese, for your attentiveness to our members and stalwart leadership; to Mike Veon for your acute political skills; and to Dwight Evans for your pragmatic thinking.

And finally, those members from Erie County who left an indelible impression on my life that are no longer with us: Italo Cappabianca, Benny Dombrowski, Karl Boyes, and Jim Merry. You paved the way for me and many members of this House.

I say goodbye and thank you from the bottom of my heart. Ciao et Grazie – until we meet again.

Thank you.

### CALENDAR CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 255, PN 1471**, entitled:

An Act relating to alternative fuels; establishing the Alternative Fuels Incentive Fund; authorizing grants and rebates to promote the use of alternative fuels; imposing duties on the Department of Environmental Protection; providing for an annual report; allocating funds collected from the utilities gross receipts tax; making an appropriation; and abrogating regulations.

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

The SPEAKER. It is the information of the Chair that all the amendments have been withdrawn with the exception of the Bard amendment No. 5371. If that is not true, you will have to let us know.

At this time the gentlelady, Ms. Bard, offers the following amendment, which the clerk will read.

I apologize. The gentlelady needs to suspend the rules for immediate consideration of that amendment.

### RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentlelady from Montgomery, Ms. Bard.

Ms. BARD. Mr. Speaker, I move to suspend the rules for immediate consideration of amendment 5371.

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

The following roll call was recorded:

### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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.

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

Ms. **BARD** offered the following amendment No. **A5371**:

Amend Sec. 2, page 2, by inserting between lines 1 and 2  
“Alternative energy source.” Includes, but is not limited to, any of the following sources of energy: wind, solar photovoltaic, solar thermal, combined heat and power, integrated gasification combined cycle, geothermal, low impact hydroelectric, biomass, biologically derived methane gas, coal bed methane gas, fuel cells, waste coal, distributed generated systems.

Amend Sec. 2, page 5, by inserting between lines 16 and 17  
“Stationary power facility.” A fixed, in-place facility that generates electric power for distribution into the electric distribution system or for use onsite as primary power or back-up power for critical need or at adjacent locations not connected to the electricity grid for primary power.

Amend Bill, page 11, by inserting between lines 11 and 12  
Section 5. Interfund transfer.

(a) General rule.—The department may transfer money from the Alternative Fuels Incentive Fund to the Energy Development Fund one time during the fiscal year beginning July 1, 2004.

(b) Use of transferred funds.—

(1) Funds transferred to the Energy Development Fund under this section shall be used to provide financial assistance for research directly related to alternative energy sources and for the development and installation of stationary power facilities within this Commonwealth that utilize alternative energy sources to produce electric power. The financial assistance offered under this section shall be limited to grants and low-interest loans, at or below prevailing interest rates and loan guarantees.

(2) These funds shall also be used to support the establishment of public or private partnerships among postsecondary institutions and private sector organizations. The public or private sector partnerships should be designed to support a broad program of research and development of alternative energy power sources. Research funds shall be directed toward those projects that can clearly demonstrate that the technology being studied can be practically applied.

(c) Development of guidelines.—Prior to any usage of the funds transferred to the Energy Development Fund, the department shall develop guidelines for the application and use of these funds including all applicable eligibility criteria which shall also describe the manner of application for financial assistance and an application for assistance under this section. The department shall provide these guidelines to the majority and minority chairman of the Environmental Resources and Energy Committee of the Senate and the majority and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives 60 days prior to issuing the guidelines to the general public. No financial assistance shall be provided to any applicant by the department until guidelines are issued to the general public. The department shall provide a reasonable opportunity for the general public to apply for funds under this section before making any financial assistance announcements or awards.

(d) Lapse.—Any unexpended funds from the transfer shall lapse to the General Fund on June 30, 2006.

Amend Sec. 5, page 11, line 12, by striking out “5” and inserting  
6

Amend Sec. 6, page 11, line 20, by striking out “6” and inserting  
7

Amend Sec. 7, page 11, line 24, by striking out “7” and inserting  
8

Amend Sec. 8, page 11, line 29, by striking out “8” and inserting  
9

On the question,

Will the House agree to the amendment?

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

Ms. BARD. Thank you, Mr. Speaker.

This is a very straightforward amendment which establishes a transfer of money to the Energy Development Fund, and this will further the goals of the legislation, which are to promote alternative fuels, specifically focused on the transportation sector.

Thank you very much.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

\* \* \*

The House proceeded to third consideration of **SB 93, PN 1963**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs, for the offense of burglary and for certain bullets prohibited.

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

Mr. **THOMAS** offered the following amendment No. **A5276**:

Amend Title, page 1, line 5, by removing the comma after "COSTS" and inserting

; imposing a criminal justice system enhancement fee for convictions; establishing the Criminal Justice System Enhancement Fund; further providing

Amend Sec. 1, page 1, lines 16 and 17, by striking out all of said lines and inserting

Section 1. Section 1109 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Bill, page 2, by inserting after line 30

Section 2. Title 18 is amended by adding a section to read:

§ 1110. Criminal justice system enhancement fee.

(a) General rule.—Unless the court finds that undue hardship would result, a mandatory fee equal to 10% of the fine imposed but not less than \$20, which shall be in addition to any other costs imposed by law, shall automatically be assessed on any individual convicted or granted Accelerated Rehabilitative Disposition or any individual who pleads guilty or nolo contendere for a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, this title or 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs), which fee shall be deposited into a special fund in the State Treasury, to be known as the Criminal Justice System Enhancement Fund. No more than 5% of the fee collected shall be retained by the county for its administrative costs related to collecting the fee for deposit into the Criminal Justice System Enhancement Fund.

(b) Use of fee.—The funds of the Criminal Justice System Enhancement Fund are hereby appropriated on a continuing basis to the Department of Community and Economic Development, which shall use the funds to make grants as follows:

(1) (i) The Department of Community and Economic Development shall make 35% of the Criminal Justice System Enhancement Fund available through grants to law enforcement agencies to maintain arrest and arraignment systems and other future criminal data systems and services.

(ii) If at the expiration of the grant period, the law enforcement agency has not used any portion of the grant for the purposes contained in this paragraph, it shall remit the funds to the Department of Community and Economic Development. Funds remitted under this subparagraph shall be redistributed to law enforcement agencies on a competitive grant basis for the purposes delineated in subparagraph (i).

(2) (i) The Department of Community and Economic Development shall make 65% of the Criminal Justice System Enhancement Fund available to the Pennsylvania Commission for Community Colleges for the purpose of enhancing local criminal justice system policies, procedures and work process which may include:

(A) criminal case processing;

(B) offender processing;

(C) victim and witness notification; and

(D) homeland security-related activities.

(ii) Any portion of the money that has not been used shall be remitted to the Department of Community and Economic Development. Money remitted under this subparagraph shall be redistributed to law enforcement agencies on a competitive grant basis for the purposes delineated in paragraph (1)(i).

Section 3. Sections 3502(a) and 6121(a) of Title 18 are amended to read:

Amend Sec. 2, page 3, line 30, by striking out "2" and inserting

4

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, amendment 5276 is a compromise amendment, and I want to extend my sincere thanks and appreciation to Representative Patrick Browne and to the Senate, the members of the Senate, who came together to make this compromise possible.

At the end of the day, it will represent a dedicated source of revenues for our colleges and also for the law enforcement community, and I am confident that it will represent another step in the right direction in working with our local municipalities, and so I encourage all members to support amendment 5276.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the amendment explain his amendment?

The SPEAKER. Mr. Thomas, the gentleman would like to get a brief explanation of the amendment.

Mr. THOMAS. Thank you.

I will stand for interrogation.

Mr. VITALI. Would the gentleman explain his amendment?

Mr. THOMAS. Yes.

The amendment establishes the Criminal Justice System Enhancement Fund, and through the fund, a fee will be assessed on criminal defendants. Up to \$10, I believe, will go into a special fund that will be housed in the Department of Community and Economic Development, with 65 percent of the proceeds going to our colleges and universities, who would then use those moneys to enhance local criminal justice systems, upgrade data information systems; 35 percent of the revenues will go to our law enforcement communities to help them upgrade data information gathering.

Mr. VITALI. Now, the amendment refers to the court. Is that the court of common pleas of the various counties that the word "court" is referring to?

Mr. THOMAS. Well, the 65 percent will involve courts, will involve local municipalities, but the clearinghouse will be our colleges and universities.

Mr. VITALI. Now, who is paying the fee?

Mr. THOMAS. The criminal defendants that go through the system.

Mr. VITALI. The ARD (accelerated rehabilitative disposition) program?

Mr. THOMAS. Yes.

Mr. VITALI. Is this an additional fee, or is this taking money from a fee that is already being paid?

Mr. THOMAS. This would be an additional fee.

Mr. VITALI. The amount?

Mr. THOMAS. The amount is up to \$10. This is basically HB 1424, which we passed overwhelmingly, but there were some concerns, and through the efforts of Representative Patrick Browne and several Senators on the Senate side, we were able to come up with a compromise that is workable to all interested parties.

Mr. VITALI. Have any organizations weighed in – county commissioners, district attorneys, judges?

Mr. THOMAS. County commissioners strongly support this amendment. In fact, the county commissioners have been at the table in helping to shape this compromise. Our local law enforcement communities support this compromise, because as I mentioned, at the end of the day, the compromise

is going to be beneficial to our local municipalities and to our law enforcement community.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation.

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

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

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

Mrs. TAYLOR. Mr. Speaker, as I read it, you often referred to colleges, but am I correct in reading that these funds would go only to community colleges?

Mr. THOMAS. Mr. Speaker, you are correct—

Mrs. TAYLOR. Thank you, Mr. Speaker.

Mr. THOMAS. —they would receive one part, and then law enforcement agencies would receive the other.

Mrs. TAYLOR. But none of the other colleges; just community colleges.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—194

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

Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Laughlin	Ross	Yudichak
Diven	Leach	Rubley	Zug
Donatucci	Lederer	Ruffing	
Eachus	Leh	Sainato	Perzel,
Egolf	Lescovitz	Samuelson	Speaker

NAYS—2

Maitland Nickol

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

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

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The Chair rescinds; the Chair rescinds.  
The clerk will strike the board.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will be over temporarily.

## SUPPLEMENTAL CALENDAR B

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 305, PN 1738**, entitled:

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Saylor, for the purpose of making a motion.

One second, Mr. Saylor.

Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, if I could have one moment, I will be right with you.

The SPEAKER. The House will be at ease.

### MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I would like to make a motion on SB 305 to revert to prior printer's number 1513.

The SPEAKER. The gentleman has moved that we revert SB 305 to its prior printer's number 1513.

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

The SPEAKER. Would the gentleman just give a brief explanation of what that would do to the bill.

Mr. SAYLOR. By reverting to the prior printer's number, this will take out amendments that have been made since the bill came over here. It will go back to the printer's number that was exactly as it came here from the Senate.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

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

Mr. HORSEY. Mr. Speaker, a parliamentary inquiry.

Is it necessary to suspend the rules before we do the reversion?

The SPEAKER. We are not on concurrence, Mr. Horsey, so there is no need to suspend the rule.

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

The SPEAKER. Mr. Vitali.

Mr. VITALI. I would like to interrogate the maker of this motion.

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

Mr. VITALI. And I apologize if I am being redundant. I was momentarily distracted.

Now, the difference between the prior printer's number's effect and the current printer's number's effect is what?

Mr. SAYLOR. The bill came over here and was amended over here with different things that we have now gotten an agreement from the Department of Transportation. The feeling is that we do not need certain things and we will meet the requirements that the other States across this country have with this legislation. So we are taking out legislation in there that we do not feel is necessary any longer.

Mr. VITALI. I guess that is the heart of my question. These things you are referring to, I mean, what are these things?

Mr. SAYLOR. Basically, in this bill when it came over here, we put in the ability of a person to turn down the legislation, the effects of this legislation, which automatically will register people 18 years of age with their driver's license for Selective Service.



Mr. VITALI. Let me get this straight. The prior printer's number will automatically register someone for Selective Service when they apply for their driver's license? That is the prior printer's number.

Mr. SAYLOR. When they turn 18; correct.

Mr. VITALI. Automatically.

Now, what does the current printer's number do?

Mr. SAYLOR. The current printer's number registers those who are 18 years of age on their birthday because of their having applied for a driver's license and received a driver's license.

Mr. VITALI. Okay. I am not sure of the difference between the two.

Mr. SAYLOR. In the bill as it was amended earlier, some people, religious groups, had talked about their concern over the fact that if you are a conscientious objector, for instance, they were concerned that they would be registering, quote, unquote, "to be drafted" and that it would violate their right, to be drafted and serve in the military. Since then it has been explained to them that as a conscientious objector, you cannot object to serving or being registered for the Selective Service until you are already registered. That is when you put your application in to be exempt from serving in the military, and then you can be exempt from serving in the military. But you must sign up first. In today's Federal law, you must sign up before you can ask to be exempt from it. If you do not sign up, whether you are a conscientious objector — you could be a Quaker, any number of religions that may oppose military service — the Federal government has created exceptions for who can and cannot get exceptions, but you cannot do it until you are actually a person who is receiving those types of, I do not want to say benefits, but until you are actually a member of the Selective Service process.

Mr. VITALI. Now, I apologize for being thick, but am I hearing sort of indirectly that in the current printer's number, there is some sort of opt-out provision if you, when applying for your driver's license, do not want to be, but under the prior printer's number, if we revert to it, you cannot opt out? If you apply for your driver's license, you are registered for this. So is the big difference the ability to opt out?

Mr. SAYLOR. That is correct.

Mr. VITALI. That is the difference between the two.

Mr. SAYLOR. Mr. Speaker, that is correct.

Mr. VITALI. Okay. Thank you.

Let me ask you another question.

Now, the theory behind eliminating this opt-out provision, because on the surface, you know, it would seem that that would be a nice feature for someone who thought we were involved in a fairly horrendous war and wanted no parts of it. It seems like the opt-out feature would be a nice feature so not to force an act of conscience into the simple act of applying for a driver's license. Now, what is the thinking behind trying to eliminate that?

Mr. SAYLOR. Well, the purpose behind it is because you cannot be exempt from Selective Service. There is no exemption from registering for the Selective Service. In the United States Federal law covering Selective Service, you cannot be exempt from registering. If you do not register — It does not matter what religion or objections you have to any war or serving, period. Even at peacetime, you still must register for the draft, of course which you know we do not have today,

but it is still a process that the United States Congress for years, since we eliminated the draft, I believe, in 1973, has required young men to do throughout this country. So it simply says, we are going to require you to register, and this bill now will just say, you are going to be registered, period.

And the reason for that, Mr. Speaker, is because what we are finding across this nation, particularly among poor youth in the cities of Philadelphia, Pittsburgh, and our cities of the third class in Pennsylvania as well as the rest of the nation, is that young men and women who are in dire need of housing loans, Federal housing loans, PELL grants, college grants and scholarships for school, if you fail to register for the draft, you will never ever, ever be able to work for the Federal government, you will never be eligible to get Federal grants or educational funding from the Federal government, and people are realizing it too late that they had been excluded from the ability, and whom it is really hurting in this country is not usually those in wealthier school districts but actually those in poorer school districts and in the cities.

In discussions with the Governor's staff, we realized that those who are at the disadvantage of this whole legislation if we do not pass it are those who live in the cities of Pittsburgh and Philadelphia, because those are the ones who are missing the opportunities and who, in most cases, need things like the PELL grants, the housing loans, those kinds of things. So that is why we are hoping with this piece of legislation to join about 30 States in this nation who have enacted this kind of legislation.

Mr. VITALI. Okay.

So if I am hearing you correctly, there is no technical problem with the current printer's number. In other words, you can create a system where those who wish to opt out can opt out. There is nothing technically defective about the bill as it is currently drafted.

Mr. SAYLOR. Well, it is, in our opinion, technically at this point a problem. One, we need to get this bill enacted as soon as possible so that more young men —

Mr. VITALI. That is not my question. My question is, is the bill as drafted technically correct? Yes or no.

Mr. SAYLOR. No.

Mr. VITALI. And what is its technical defect?

Mr. SAYLOR. Well, the effect is that you leave the misimpression that if you do not want to serve or sign up for selective draft, you do not have to, and the truth is, it is mandatory under the Federal law, with imprisonment as well as a fine, as well as the loss of all these benefits that people throughout this State count on to go to college, to get housing loans, whatever. You would now be ineligible if you fail to follow these procedures, and the procedure now, as I said, for anybody who has religious reasons for not wanting to sign up, the process is already in place for them to opt out at the next level, which is where you are supposed to be opting out.

Mr. VITALI. Are there any other States who have created this system of automatic registration where —

Mr. SAYLOR. Yes; well over 30 States have now —

Mr. VITALI. Let me finish my question; let me finish my question — where there is in fact an opt-out feature?

Mr. SAYLOR. No; no States have an opt-out feature.

Mr. VITALI. Okay.

That concludes my interrogation. I would like to speak on this.

The SPEAKER. The gentleman is in order.

Mr. VITALI. I am going to oppose this motion to revert to a prior printer's number. I think what it does is prevents an option for those who are acting on conscience, for those who want no parts of what they feel to be an illegal and immoral war, to become part of it.

I think that the simple act of applying for a driver's license should not be clouded by the very controversial endeavor of choosing to become part of a process which leads to a very controversial war, where, to date, over 100,000 innocent civilians have already presumably died. I think we are leaving out an option by reverting back to the prior printer's number that would prevent those who are acting on conscience to register for the draft without getting involved in this very controversial issue.

So I would urge a "no" vote.

The SPEAKER. The gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would oppose the motion to revert to a prior printer's number.

Mr. Speaker, this is not the function of PENNDOT. We should maintain the opt-out provision. Since when all of a sudden is it PENNDOT's responsibility to take care of the job of Selective Service? Everyone at the age of 18 is required to register for Selective Service. If they do not, the penalties are in place for those individuals who do not sign up for the Selective Service. This is not PENNDOT's job. This is not PENNDOT's function. We should allow for individuals to opt out if they so desire, and I would ask that we do not revert to the prior printer's number and vote to concur on the bill and send it right to the Governor.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I just have a question, a point of clarification.

The bill before us, the printer's number is 1738, and we are reverting to which printer's number? There are 1665, 1513, et cetera.

The SPEAKER. 1513.

Mr. TIGUE. 1513.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this reversion motion for a variety of reasons.

First, it is impossible for most of us to understand the depth of religious feeling that members of certain religions have towards military service. One example might make it clearer. Pennsylvania was founded by Quakers. For many, many years after the founding of Pennsylvania, Quakers dominated the Pennsylvania government. In 1758 the Quaker attempts to negotiate peaceful settlements with the Indians failed, and there became all over Pennsylvania a belief that the only thing to do with the Indians was to engage in military conflict. This set up a moral crisis with the Quakers running the government because they were very much opposed to war. What the Quakers did, Mr. Speaker, has never been done before or since in Pennsylvania government. Every single Quaker in the Pennsylvania government in 1758 resigned from the government because they could not in good conscience fight a war which the people of Pennsylvania believed ought to be

fought, and since 1758 there have been very, very few Quakers who have served in any capacity whatever in the Pennsylvania government. People who are Quakers, people who are Mennonites, people of a variety of other religions deeply and passionately believe that any participation in war is wrong.

Now, we have a driver's license system that applies to everybody. Criminals are allowed to get driver's licenses. If you commit a serious crime, such as rape, murder, child abuse, you do not lose your driver's license for that. We are saying here that if you feel so strongly about war that you do not want to participate, that you are willing to risk the very heavy Federal penalties, you should lose your driver's license. You are worse than a murderer; you are worse than a rapist; you are worse than a child abuser. I think that is a judgment that we ought not to make.

Secondly, Mr. Speaker, we in Pennsylvania, unlike the Federal government, have an equal rights amendment. The equal rights amendment says that rights shall not be apportioned according to sex. Only male Pennsylvanians are subject to draft registration requirements; female Pennsylvanians, whether they support war or oppose war or have no real position on war, are not. This is an impediment to males getting a driver's license. It does not apply to females. I am not going to make a motion on constitutionality on this; it is late in the day, but I really believe that this is unconstitutional to take away somebody's driver's license for something that only one sex, only one gender, has an obligation to do.

Third, I think this is wrong for us to be passionately seeking to enforce the draft at a time in which the platforms of both major political parties have called for the abolition of the draft. President Bush said that he strongly favors abolition, continued abolition, of the draft. Senator Kerry favored abolition of the draft. Indeed, in October they were both battling over who favors abolition of the draft more.

The Federal government has kept the funding for this draft registration program constant for many years. There is very considerable sentiment in Congress for abolishing this draft registration requirement. It is kind of silly for them to spend \$26 million every year on a draft registration program when there is a bipartisan commitment not to have a draft. Congress voted on whether or not to adopt a draft bill in October of 2004, and the vote in Congress was 402 members of Congress against and 2 members for. The draft is going nowhere. This draft registration requirement is somewhat superfluous, and we ought not be forcing people who are strongly against participating in any form of war or any form of the draft to do so by taking away their license.

For all these reasons, I strongly urge a "no" vote on this motion to revert.

The SPEAKER. The Chair thanks the gentleman.

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

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

I would first of all like to commend Representative Saylor for his patience on this issue, I think he and Senator Waugh and Kristin Ebersole and everybody who worked on this bill, and they diligently worked on it.

I believe that right now what we are talking about doing is not a good idea. I would urge that we do not revert to the prior printer's number. For those who are in the anti-Baptist community, I think that this compromise is a very good compromise and should not be taken out by the process of reversion.

It took a long time for me to ever come around to the point of supporting this, but I believe that with that language that the Senate inserted, this bill then becomes a bill that the brethren community and others can live with. So I would ask that we do not revert to the prior printer's number.

Thank you.

The SPEAKER. The gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, again I would ask for a "no" vote.

With the revelation of the reversion back to that specific printer's number, it should also be noted that we will be deleting language that deals with the rapid review of schoolbus drivers' records. In this amendment – and we have been trying to pass this amendment for well over a year – this amendment would allow for the rapid review of schoolbus drivers' licenses to ensure the safety of our schoolchildren if those licenses could be reviewed in a split second through the Internet. We should be allowing that, and the reversion to this printer's number would also delete that language.

I would ask that we do not revert to the prior printer's number.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

First of all, it is interesting, as I listened to some of the comments here in the House, this legislation was not put in in the Senate; it was put in here in the House, first of all.

Second of all, I want to remind people of the process that the whole Selective Service process goes through, and Pennsylvania is one of the worst violators, if you want to say so. Our young people are not registering to do this compared to other States across this nation, and what is happening is Pennsylvania is losing out. Our young men and women, particularly in our poor neighborhoods, are losing out on Federal housing dollars; they are losing out on college money; they are losing out on all kinds of things. Plus the fact that the Federal government requires that if you do not register for this, it is a \$250,000 fine and up to 5 years in prison.

Now, it is easy if your son or daughter is with the House of Representatives here, because our sons and daughters are most likely going to register for the draft. There is probably nobody here whose son or daughter has not done so or will do so. But for those people who do not know about it, when most of us were in high school, it was on the billboards; it was something your guidance counselor told you about day in and day out, that you better go do this when you turn 18. But today, because we do not have the draft anymore and there is no draft, even though some of the speakers here act as if there is, and the only group in this nation who has proposed a draft is Democratic Congressman Rangel from New York, who has introduced the legislation, so to talk about anybody wanting a draft, the truth of the fact is, there is no commitment for a draft and there will be no draft in at least the next 4 years under this President, because he has given that commitment.

But more importantly, I want to point out as well that the process that has been set up by the Federal government over the years has been that if you are a Quaker, if you are a conscientious objector, if you fit into any of the categories where you would be exempt from serving in a war if we ever instituted the draft again, there is a process that says you must register, then you file your exemption and you get out of it. Anybody who has gone through the process, and I know many

in my district who are Quakers or who are conscientious objectors can tell you, the system works. All this does is to help those people, mostly poorer young men and women of our State, who are in need of Federal dollars to go to college, Federal dollars to get housing loans. It is too late once you discover that you failed or forgot to do this. You cannot go back and say, I am sorry; I want to register for the draft now. Sorry, you cannot do that. You are now not eligible for Federal jobs; you are not eligible for Federal money at all.

All we are saying to you is, why should not this General Assembly. We had PENNDOT, forced PENNDOT to go to motor-voter. You know, motor-voter is not exactly the job and registering voters is not exactly the job PENNDOT was set up for in the first place, but it is a way to help people of this Commonwealth get registered to vote. This is a way also to help our young men of this Commonwealth, to make sure that if they are in need of financial assistance, they can get it when they need to. And also, I would like to remind everybody in here, many of our veterans groups, from the VFW (Veterans of Foreign Wars) and the American Legion, are in great support of this resolution.

So I just ask for a reversion to the prior printer's number. This bill is important, and we would like to get it to the Governor's desk before we adjourn. If this bill does not revert to the prior printer's number, this bill will die, and again, we miss the opportunity to help young men in this State, where we are one of the biggest violators of that issue, basically because, it is not because they are Quakers or conscientious objectors, but it is basically because we no longer stress in our schools the responsibility of young men that they need to register for the Selective Service. This is just simply a helping hand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I accept the judgment that the intentions are good here, but I really do not think it is a helping hand to take away people's driver's licenses. People need a driver's license to work in many cases; they need a driver's license to go to school in many cases, and taking away a driver's license really is not much of a helping hand.

I would suggest what we do is we oppose this motion to revert and then we work with our Congressmen to try to at the very least grant amnesty to anybody who has not registered for this nonexistent draft and probably also work to try to get rid of the requirement that people register for a nonexistent draft that has not occurred for over 30 years and is almost certainly not going to occur in the lifetime of anybody in this room.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the motion.

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

Mr. TIGUE. Mr. Speaker, what is the difference if we revert or we stay where we are with the printer's number in front of us as far as if someone refuses to sign with PENNDOT?

Mr. SAYLOR. If we fail to go through with it, without reverting to the prior printer's number, the checkoff will be

there for people who do not know the laws about the loan programs, the grant programs, the Federal employment, the scholarship opportunities that they will miss on, because at 18 years of age, you are not necessarily looking at where you are going to be working for the Federal government; you are going to be looking at, I am going to need a Federal housing loan at some point in time. That is where the problem comes in. A lot of parents today do not understand the whole concept as well. This is simply, I believe, an opportunity to go through the process in a more fair way.

Mr. TIGUE. Mr. Speaker, maybe my question was not clear. Let me rephrase the question.

What is the penalty under I think it is PN 1738 versus what we would revert to, 1513 I believe the printer's number is, if someone said, I am not registered and I have no intentions of registering? Would we deny them of a learner's permit under both printer's numbers?

Mr. SAYLOR. They would not be eligible for a driver's license if they do not register for the draft.

Mr. TIGUE. Under both printer's numbers?

Mr. SAYLOR. Under the prior printer's number, it would be. Under the other one, they would have a checkoff box.

Mr. TIGUE. Suppose they do not answer and they do not check it off. What would happen?

Mr. SAYLOR. If they do not check it off, it would simply mean they would be registered. If they forgot to check off the box, which the purpose of the box is to say I do not want to be registered for the draft, so if they do not check it, they are agreeing to be registered for the draft.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to make a comment, if you would, please.

The SPEAKER. The gentleman is in order.

Mr. TIGUE. The more I hear about this and the more I look at this bill, I think it is much to-do about little between one printer's number and another. I think we are looking at this from the wrong perspective. It has been mentioned a couple of times by the maker of the amendment and some other people, males 18 years of age are required to sign up for the Selective Service System. There is a reason for that. Whether we agree with the draft or not, the reason for that is because of national emergency. We have had military units, reserve units, in place for the last 30-plus years which are in place for Selective Service reasons: we need the names.

Ironically, I think if we stay with the current printer's number, the person who comes in, that young male who comes in and wants to sign up, gets two chances to be informed that they should be signed up. One is, do you want to sign up, and the second one is, do you want to check this box? It is important for these young men to sign, because they will lose eligibility for grants from the Federal government for housing, et cetera. This is a way to get them signed up. It does not matter if they check off that they do not want to sign up or not; the point is, you make them aware. By law, they have to sign up. If they do not sign up, they put themselves at risk from being eligible for a number of programs. So based on what I heard, I see no reason actually to revert to the prior printer's number.

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.

Would the maker of the motion stand for interrogation, please?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

And I apologize if I missed this when you originally rose, Mr. Speaker, but have you identified which printer's number you want to refer back to?

Mr. SAYLOR. Yes; we are reverting back to PN 1513.

Mr. REICHLEY. And that would remove the schoolbus driver amendment that the gentleman from Carbon referred to. Is that correct?

Mr. SAYLOR. That is correct, and basically, the reason for that is because without reverting to the prior printer's number, this bill dies.

Mr. REICHLEY. Is there any other difference between the 1738 printer's number and 1513 in terms of the Selective Service requirements?

Mr. SAYLOR. Just the checkoff box is in the current bill as it is. That is why I am reverting to the prior printer's number.

Mr. REICHLEY. But 1513 has that as well. Is that correct, Mr. Speaker?

Mr. SAYLOR. 1513 does not have the checkoff box.

Mr. REICHLEY. Okay. Thank you very much.

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

Mr. HORSEY. Thank you, Mr. Speaker.

I have my opinion on the draft issue, but I would like to interrogate the maker of the motion.

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

Mr. HORSEY. My question is similar to the gentleman who just stood. Are there any other differences between, you know, the prior printer's number and the present one? Are there any other differences?

Mr. SAYLOR. No; those are the only two differences.

Mr. HORSEY. Did you include the bus amendment that he just asked about?

Mr. SAYLOR. That is what I said. That is not in the prior printer's number, nor is the checkoff box.

Mr. HORSEY. Okay. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, just one last comment to everybody here today, very quickly.

One of the things we did in the process of putting this bill together, which has been worked on for the last 2 1/2 years – we actually worked on this the previous session before this – is that we have worked with the Governor's Office, the Federal government, to negotiate this bill, and the Federal government has agreed to pick up the cost, the Selective Service has agreed to pick up the cost, of this legislation. If we do not pass this bill as we have negotiated with the Federal government, Congress is believed to act; there is legislation to force every State to do this. So my personal opinion is, you may have some objections to this, but at least this way the Commonwealth of Pennsylvania will have Federal dollars to pay for this reporting process, which eventually will be mandatory from the Federal government and a Federal mandate.

So just a reminder. This way we get the money to pay for the money it is going to cost. The Governor's Office has been a big help in trying to get the money that we need for the computer system to put this thing in place. Sooner or later we are going to do this. I prefer to do it with the Federal government helping us pay for it.

The SPEAKER. Those in favor of reverting to PN 1513 will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

## YEAS—50

Adolph	Gannon	Major	Saylor
Belfanti	Gillespie	Marsico	Schroder
Benninghoff	Harhart	McIlhattan	Smith, S. H.
Cawley	Harper	McIlhinney	Steil
Dailey	Harris	McNaughton	Stetler
Dally	Hennessey	Micozzie	Stevenson, R.
DiGirolamo	Herman	Millard	Vance
Evans, J.	Hershey	Miller, R.	Weber
Fairchild	Hutchinson	Miller, S.	Wilt
Feese	Killion	O'Neill	Wojnarowski
Fleagle	Leh	Raymond	
Flick	Mackereth	Readshaw	Perzel,
Gabig	Maitland	Ruffing	Speaker

## NAYS—146

Allen	DeWeese	Levdansky	Santoni
Argall	Diven	Lewis	Sather
Armstrong	Donatucci	Maher	Scavello
Baker	Eachus	Manderino	Scrimenti
Baldwin	Egolf	Mann	Semmel
Bard	Evans, D.	Markosek	Shaner
Barrar	Fabrizio	McCall	Smith, B.
Bastian	Fichter	McGeehan	Solobay
Belardi	Forcier	McGill	Staback
Biancucci	Frankel	Melio	Stairs
Birmelin	Freeman	Metcalfe	Stern
Bishop	Geist	Mundy	Stevenson, T.
Blaum	George	Mustio	Sturla
Boyd	Gergely	Myers	Surra
Browne	Gingrich	Nickol	Tangretti
Bunt	Good	O'Brien	Taylor, E. Z.
Butkovitz	Goodman	Oliver	Taylor, J.
Buxton	Gruela	Pallone	Thomas
Caltagirone	Gruitza	Payne	Tigue
Cappelli	Habay	Petrarca	Travaglio
Casorio	Haluska	Petri	True
Causar	Hanna	Petrone	Turzai
Civera	Harhai	Phillips	Veon
Clymer	Hasay	Pickett	Vitali
Cohen	Hess	Pistella	Walko
Coleman	Hickernell	Preston	Wansacz
Cornell, S. E.	Horsey	Reed	Washington
Corrigan	James	Reichley	Waters
Costa	Josephs	Rieger	Watson
Crahalla	Keller	Roebuck	Wheatley
Creighton	Kirkland	Rohrer	Williams
Cruz	Kotik	Rooney	Wright
Curry	LaGrotta	Ross	Yewcic
Daley	Laughlin	Rubley	Youngblood
DeLuca	Leach	Sainato	Yudichak
Denlinger	Lederer	Samuelson	Zug
Dermody	Lescovitz		

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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,  
Will the House agree to the bill on third consideration?

The SPEAKER. It is the understanding of the Chair that the other amendments that were on 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. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Mr. Speaker, I would like to urge a "yes" on final passage.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—184

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

Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Hershey	Petri	Walko
Corrigan	Hess	Petrone	Wansacz
Costa	Hickernell	Phillips	Washington
Creighton	Horsey	Pickett	Waters
Cruz	Hutchinson	Pistella	Watson
Curry	James	Preston	Weber
Dailey	Josephs	Raymond	Wheatley
Daley	Keller	Readshaw	Williams
Dally	Killion	Reed	Wilt
DeLuca	Kirkland	Reichley	Wojnarowski
Denlinger	Kotik	Rieger	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	Perzel,
Donatucci	Lescovitz	Ruffing	Speaker
Eachus	Levdansky		

## NAYS—12

Crahalla	Herman	Rohrer	Vitali
Freeman	Leach	Schroder	Wright
Gruitza	Metcalfe	Thomas	Yewcic

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

## SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2406, PN 4771**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

## RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE

HB 2406, PN 4771

By Rep. S. SMITH

An Act redesignating the bridge on State Route 3021 which passes over Wolf Run in Cranberry Township, Butler County, as the Steven M. Krochta Memorial Bridge.

## RULES.

## CALENDAR CONTINUED

## CONSIDERATION OF SB 93 CONTINUED

The SPEAKER. The Chair turns back to SB 93, PN 1963.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—196

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones      Kenney      Nailor      Roberts  
Godshall      Lynch

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

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

**FAREWELL ADDRESS  
BY MRS. VANCE**

The SPEAKER. Mr. Scrimenti said that he wanted to use the best first. We saved the best for last. Representative Pat Vance, would you please come up to the rostrum.

Mrs. VANCE. Thank you very much.

I stand here today with really, really mixed emotions. I have really enjoyed being a member of this House, to have the opportunity to learn about a lot of subjects, to meet new people all over the State, and to meet interesting people, not just members but some of the wonderful people who work in this beautiful, beautiful building. I have especially enjoyed the central Pennsylvania caucus.

I came to this House without any real knowledge of how the legislature works other than from schoolwork, from reading the paper, so I want to give thanks to Representative Elinor Taylor, who took me under her wing and showed me the real nuts and bolts of this legislature and how to get things accomplished.

I will always be eternally grateful to former Speaker Matt Ryan and present Speaker John Perzel for giving me the opportunity to serve as Speaker pro tem. I have truly enjoyed that honor and feel very privileged to have been able to do it, and perhaps I should thank Clancy as well for his patience during the learning process.

Life is really an adventure, and we have to remember that we only come down this path just one time, and sometimes there are unexpected twists and turns in our personal life that change our decisions. So I leave this House today with very warm memories, look forward to new opportunities to learn new things.

Thank you all for your support and friendship over the years, and I promise you one thing: that my name will remain Pat.

Thank you.

**SUPPLEMENTAL CALENDAR F**

**RESOLUTION PURSUANT TO RULE 35**

Mr. HARHAI called up **HR 936, PN 4791**, entitled:

A Resolution urging the National Highway Traffic Safety Administration to develop an aggressive public awareness campaign to educate consumers on the use of event data recorders and to work with vehicle manufacturers and dealers to provide consumers of new and used vehicles with formal written disclosure if the vehicle is equipped with an event data recorder or a similar device.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—196

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones      Kenney      Nailor      Roberts  
Godshall      Lynch

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

## SUPPLEMENTAL CALENDAR G

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2406, PN 4771**, entitled:

An Act redesignating the bridge on State Route 3021 which passes over Wolf Run in Cranberry Township, Butler County, as the Steven M. Krochta Memorial Bridge.

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

The SPEAKER. It is moved by the gentleman, Mr. Metcalfe, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

## YEAS—196

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

DeWeese	Laughlin	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

## 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 30, PN 4778**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for residential telephone service rates based on duration or distance of call and for local exchange service increases and limitations; adding and repealing provisions relating to alternative form of regulation of telecommunications services; establishing the Broadband Outreach and Aggregation Fund; providing for Voice Over Internet Protocol; and making a repeal.

**HB 1211, PN 4768**

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for health care provider retention account; providing for personal needs allowance deduction for medical assistance eligible persons in nursing facilities; further providing for certain time periods relating to ICFs/MR, for podiatrists in the health care providers retention program and for the expiration of the Health Care Provider Retention Program.

**HB 1535, PN 4776**

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for administrative personnel for the collection of taxes, for earned income taxes and for collection of taxes by suit; and providing for costs of collection of delinquent per capita, occupation, occupational privilege and earned income taxes and for legal representation.

**HB 2308, PN 4745**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.



**HB 2406, PN 4771**

An Act redesignating the bridge on State Route 3021 which passes over Wolf Run in Cranberry Township, Butler County, as the Steven M. Krochta Memorial Bridge.

**HB 2561, PN 4770**

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Luzerne County Historical Society, certain lands and building situate in the Borough of Forty Fort, County of Luzerne, Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, through competitive bidding or public auction, certain tracts of land together with any improvements thereon situate in the Twelfth Ward of the City of Allentown and in Salisbury Township, Lehigh County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society, situate in the Township of Upper Augusta, County of Northumberland; and making a repeal.

**HB 2638, PN 4649**

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for alternative collection of delinquent property taxes; and providing for assignment of claims by taxing district.

**HB 2745, PN 4754**

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.

**HB 2798, PN 4777**

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for eligibility for elective borough office, for general powers of mayor and for borough powers to convey land.

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

The SPEAKER. Are there any announcements?

**VOTE CORRECTIONS**

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

Mr. THOMAS. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. The gentleman is in order.

Mr. THOMAS. My button malfunctioned on SB 305. I would like to be recorded in the affirmative.

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

The lady, Ms. Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

My switch malfunctioned. I was recorded in the affirmative for SB 1233, and I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentledady.

Ms. WASHINGTON. Thank you, Mr. Speaker.

The SPEAKER. The gentledady's remarks will be spread across the record.

**ANNOUNCEMENT BY MRS. TAYLOR**

The SPEAKER. Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, there will be an informal caucus of the Republicans at 6 o'clock.

Thank you.

The SPEAKER. The Chair thanks the gentledady.

**DEMOCRATIC CAUCUS**

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be formal and informal discussions in the House Democratic caucus room immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. This House will be in recess until 7:30.

**AFTER RECESS**

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

**SENATE MESSAGE****HOUSE BILLS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1262, PN 4078; HB 1867, PN 2433; HB 1868, PN 2434; HB 2055, PN 3423; HB 2270, PN 3121; HB 2326, PN 3247; HB 2387, PN 3768; HB 2865, PN 4716; and HB 2980, PN 4689**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE****AMENDED HOUSE BILLS RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 176, PN 4784; HB 835, PN 4783; HB 1329, PN 4773; HB 1330, PN 4774; HB 1331, PN 4775; HB 2036, PN 4779; HB 2090, PN 4075; HB 2262, PN 4781; HB 2384, PN 4644; and HB 2482, PN 4769**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE****AMENDED SENATE BILLS RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 133, PN 1982; SB 304, PN 1983; and SB 938, PN 1984.**

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

**COMMUNICATIONS FROM GOVERNOR****APPROVAL OF HOUSE BILLS**

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

**HB 796, HB 2022, HB 2298, HB 2306, HB 2396, HB 2409, HB 2437, HB 2441, HB 2589, HB 2724, HB 2739, HB 2762, and HB 2826.**

**RULES COMMITTEE MEETING**

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE****HB 176, PN 4784**

By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for alternate imposition and for credits; further providing, in personal income tax, for definitions; providing, in personal income tax, for operational provisions relating to contributions of refunds by checkoff; further providing, in realty transfer tax, for determination and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; further providing, in research and development tax credit, for definitions, for carryover, carryback, refund and assignment of credit and for Pennsylvania S corporation shareholder pass-through; further providing, in film production tax credit, for the definitions of "film," "Pennsylvania production expense" and "production expense"; providing, in film production tax credit, for the definition of "start date"; further providing, in film production tax credit, for credit for qualified film production expenses; providing for film production tax credits; further providing, in film production tax credit, for carryover and refund of credits, for limitations on credits; imposing penalties; providing for findings and declarations; and making repeals.

RULES.

**HB 835, PN 4783**

By Rep. S. SMITH

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for genetic identification evidence; recodifying provisions on DNA data and testing; further providing for scope, for policy, for the definitions of "DNA record" and "other specified offense," for required DNA samples and for expungement, and providing for good faith.

RULES.

**HB 1329, PN 4773**

By Rep. S. SMITH

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, amending provisions relating to planned communities.

RULES.

**HB 1330, PN 4774**

By Rep. S. SMITH

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

RULES.

**HB 1331, PN 4775**

By Rep. S. SMITH

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for condominiums.

RULES.

**HB 2036, PN 4779**

By Rep. S. SMITH

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for mental health care declarations and powers of attorney; further providing for the prudent investor rule; and repealing provisions relating to the applicability of requirements for charitable trusts with controlling interests in certain corporations.

RULES.

**HB 2090, PN 4075**

By Rep. S. SMITH

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for rescission of contracts.

RULES.

**HB 2262, PN 4781**

By Rep. S. SMITH

An Act providing for protection of children from obscene material, child pornography and other material that is harmful to minors on the Internet in public schools and public libraries; and providing for the duties of the Secretary of Education.

RULES.

**HB 2384, PN 4644**

By Rep. S. SMITH

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law,

further providing for definitions, for duties of facility owners, for duties of a One Call System, for duties of contractors and for fines and penalties.

#### RULES.

#### HB 2482, PN 4769

By Rep. S. SMITH

An Act establishing the State Railroad Infrastructure Bank and the State Railroad Infrastructure Bank Fund; and providing for the powers and duties of the Department of Transportation.

#### RULES.

#### SB 133, PN 1982

By Rep. S. SMITH

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue, for chemical testing to determine amount of alcohol or controlled substance, for Accelerated Rehabilitative Disposition, for grading, for penalties, for prior offenses, for illegally operating a motor vehicle not equipped with ignition interlock, for mandatory sentencing and for rights and liabilities of minors.

#### RULES.

#### SB 304, PN 1983

By Rep. S. SMITH

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for payments to family and funeral directors, for allowable family exemption and for classification and order of payment of claims against the estate of a decedent.

#### RULES.

#### SB 938, PN 1984

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "multipurpose agricultural vehicle" and "special mobile equipment"; further providing for accidents involving death or personal injury while not properly licensed, for reports by police, for ignition interlock, for width of certain vehicles and for length of vehicles; and adding a road in Wilkes-Barre Township to the State Highway System.

#### RULES.

### SUPPLEMENTAL CALENDAR H

#### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 176, PN 4784**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for alternate imposition and for credits; further providing, in personal income tax, for definitions; providing, in personal income tax, for operational provisions relating to contributions of refunds by checkoff; further providing, in realty transfer tax, for determination and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination

and review, for liens, for refunds, for civil penalties, for violations and for information; further providing, in research and development tax credit, for definitions, for carryover, carryback, refund and assignment of credit and for Pennsylvania S corporation shareholder pass-through; further providing, in film production tax credit, for the definitions of "film," "Pennsylvania production expense" and "production expense"; providing, in film production tax credit, for the definition of "start date"; further providing, in film production tax credit, for credit for qualified film production expenses; providing for film production tax credits; further providing, in film production tax credit, for carryover and refund of credits, for limitations on credits; imposing penalties; providing for findings and declarations; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Scavello, that the House do concur in the amendments inserted by the Senate to HB 176, PN 4784.

On that question, the gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Mr. Speaker, may I just speak on personal privilege for one second?

The SPEAKER. Under unanimous consent.

Mr. VITALI. Okay.

The problem we will be having for the rest of the night is, we are now beyond the pre-session report that was prepared, which is a good aid in us understanding what is on the screen, so if the Speaker would just be a little more indulgent with us as far as the timing of the bills. We are now sort of scrambling—

The SPEAKER. Mr. Vitali, I believe I have been extremely indulgent.

Mr. VITALI. And you have, perfect so far, but we are under an increasing handicap at this point because we no longer have a program, essentially. That is my only point.

The SPEAKER. I have recognized you every time you stood up, Mr. Vitali. Not one time did I not allow you to speak, not once.

Mr. VITALI. And if you will notice, I tried not to get up too much.

The SPEAKER. I have noticed that. That is why I am trying in cooperation to work with you.

Mr. VITALI. All I am saying is do not take the fact that I might be getting up a little more as my being impertinent. I just do not have a program anymore. That is all.

The SPEAKER. Mr. Vitali, my day would be ruined if I did not hear your voice.

Mr. VITALI. And I yours. Thank you, Mr. Speaker. I am beaming.

I am just looking for a brief explanation.

The SPEAKER. The gentleman, Mr. Scavello, indicates he will give a brief explanation.

Mr. Scavello, the gentleman has asked for an explanation of the changes that were made.

Mr. SCAVELLO. On the changes? Sure.

Well, the transfer tax itself was not changed. The original intent of my legislation was and it still is, and that is what this legislation does, right now there is 2 percent collected on a transfer tax. It is collected by the county. Half a percent goes to the school district, half a percent to the local municipality, and 1 percent goes to the State. There are times when the State makes the determination that there is not enough transfer tax collected. What the State does is it goes after their 1 percent, and after and only after they collect their 1 percent do they

notify the county that there is not enough tax collected. So what the county then does is it notifies the local municipality and the school district involved that there is tax due, and they have to go out and try to collect it.

What my bill does is, instead of the State notifying the county that there is not enough tax collected, it collects the full 2 percent. It returns the favor to the local municipality, to the school district, and what they do is, instead of sending notification back to the county, they send them a check for 1 percent, and the county will distribute that 1 percent. It actually saves taxpayers money. In my county, it saves half a million dollars a year.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Samuelson.

Mr. SAMUELSON. I would also like to interrogate the maker of the bill.

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

Mr. SAMUELSON. I just wanted to doublecheck. Is this the bill that concerns deferred compensation plans and not having to pay tax on that compensation for a period of time?

Mr. SCAVELLO. Well, when it left the House, it did not have that in there, but when it came back from the Senate, there was a deferred compensation plan that clarifies the meaning of receipt for the purpose of computing taxable income with regard to deferred compensation as being constructively received as provided under the Internal Revenue Code of 1986. It mirrors the Federal law.

Mr. SAMUELSON. Is that the type of deferred compensation plan that would be available to any citizen of Pennsylvania, a working family, or is it— Who has these deferred compensation plans? Who is getting this tax break?

Mr. SCAVELLO. Excuse me for a moment. They will check it out.

It is a plan that businesses create for their employees, and all we are doing is we are following the Federal rules.

Mr. SAMUELSON. And how long is the compensation deferred or the tax liability deferred?

Mr. SCAVELLO. It actually varies by plan. It is not a date certain.

Mr. SAMUELSON. And just to confirm again, this provision about the deferred compensation was not in the bill that you sent over to the Senate. This is something the Senate has—

Mr. SCAVELLO. This is something that has been added on by the Senate, yes.

Mr. SAMUELSON. And when did the Senate put this in?

Mr. SCAVELLO. I am not certain.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Mr. SCAVELLO. You are welcome.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. 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, D.	Lewis	Sather
Allen	Evans, J.	Mackereth	Saylor

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

#### NAYS—11

Casorio	Grucela	Petrarca	Tangretti
Costa	Kotik	Pistella	Vitali
Freeman	Pallone	Samuelson	

#### NOT VOTING—0

#### EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

#### STATEMENT BY MR. SCAVELLO

The SPEAKER. Mr. Scavello.

Mr. SCAVELLO. Just a point of personal privilege.

I want to thank the members. This is a bill that really will help the counties, Monroe County and the counties throughout

the Commonwealth, and it is my first bill, 176, and I thank the members.

The SPEAKER. The Chair thanks the gentleman.

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 835, PN 4783**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for genetic identification evidence; recodifying provisions on DNA data and testing; further providing for scope, for policy, for the definitions of “DNA record” and “other specified offense,” for required DNA samples and for expungement, and providing for good faith.

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

The SPEAKER. It is moved by the gentleman, Mr. Maitland, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

#### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Mr. O'Brien, rise?

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

I hope I can start a precedent this evening. On the concurrence vote on HB 835, I would like to submit my remarks for the record.

The SPEAKER. The chamber thanks the gentleman.

Mr. O'BRIEN submitted the following remarks for the Legislative Journal:

Mr. Speaker, 33 States now require DNA samples from all felons. Many States define a “felony” as an offense punishable by imprisonment for more than 1 year (a misdemeanor of the second degree in Pennsylvania), so even with this legislation, Pennsylvania’s requirements would not be as stringent as the requirements in many of the other States. Virginia, which has had all-felon legislation since 1990, averages 37 matches or “hits” per month. In 2002 alone, these matches helped Virginia solve 90 homicides and 196 nonhomicide assaults. President Bush signed legislation providing \$775 million over 5 years in grants to clear up DNA backlogs. These Federal funds will be allotted among States based on the size of their DNA backlogs. For these reasons and many more, Mr. Speaker, the legislation before us will truly position the Commonwealth as a leader among States in the forensic use of DNA.

HB 835 (Maitland) codifies the DNA law in Title 44 of the Pennsylvania Consolidated Statutes (Law and Justice). The amendments to current law are as follows:

(1) All individuals convicted or adjudicated delinquent for any felony offense must submit a DNA sample. The amendment also restores the two misdemeanor offenses – indecent assault and luring a child into a motor vehicle which currently require the submission of a DNA sample upon conviction, adjudication, or admission into ARD.

(2) No individual convicted or adjudicated delinquent for any of these offenses may be released from a correctional institution without previously submitting a DNA sample. This would apply to all incarcerated individuals convicted or adjudicated delinquent for these offenses prior to the effective date of this act.

(3) No individual who is incarcerated or has previously been incarcerated may seek expungement of a DNA record or profile on the grounds that that person was convicted or adjudicated delinquent for one of the other specified offenses prior to the effective date of the former DNA Act, former Title 42, Chapter 47, or section 2316(b) (relating to DNA sample required upon conviction, delinquency adjudication, and certain ARD cases).

(4) Clarifying that the expungement of a DNA sample, record, or profile shall have no effect on any databank or database match occurring prior to the expungement of the sample, record, or profile.

Mr. Speaker, in addition to the amendments to current law contained in the House-passed version of HB 835 described above, this legislation contains provisions that are from the House-passed version of HB 2429 (Tigue). These amendments clarify that:

(1) Where statutorily provided, the taking of the DNA sample is mandated regardless of whether the defendant was advised that the sample would be taken at the time he was convicted or adjudicated.

(2) Those sentenced to death or life imprisonment are also to have DNA samples taken.

(3) If an eligible offender “through oversight or error” has not had a DNA sample taken, then it shall be taken.

(4) If a DNA sample is not adequate for any reason, then the sample shall be retaken.

(5) A person may request that the Pennsylvania State Police expunge their DNA sample, record, or profile if:

(a) Their DNA information was submitted in error, or

(b) The conviction or adjudication resulting in the DNA information being entered is reversed and the case dismissed. The amendment also provides that if prior to the expungement the person’s DNA has been matched to other crimes, the expungement shall have no effect on the use of that DNA match in other cases.

Additional changes to the law include a clarifying amendment to ensure that persons who are convicted or adjudicated delinquent of a qualifying offense must provide a DNA sample to the DNA database regardless of whether they are imprisoned or detained.

Further, the bill adds a subsection to section 4718 (relating to procedures for conduct, disposition, and use of DNA analysis) to instruct the Pennsylvania State Police that their procedures governing testing of samples should provide that samples collected from offenders pursuant to section 4716 should be analyzed in the following order: sex offense, crimes against the person, crimes against property, all other offender samples are collected.

The House of Representatives passed HB 835 on April 13, 2004, by a vote of 196 to 0 and was reported from the Senate Judiciary Committee. The House of Representatives passed HB 2429 on April 13, 2004, by a vote of 194 to 0.

Mr. Speaker, this important piece of legislation contains even more important enactments for Pennsylvania’s citizens. The changes to Pennsylvania law I just outlined will substantially increase the sample size of our State DNA databank. The importance of this is that as a result of this increase, I am confident there that many crimes, once thought unsolvable by law enforcement, will gain new life as matches to the databank provide “leads” to law enforcement directing them to the perpetrators of these crimes. But, Mr. Speaker, when these DNA “leads” result in the identification of the perpetrator, in order to provide closure for many of the victims of these crimes, that arrest of the perpetrator needs to be followed by conviction and court sentence.

Mr. Speaker, I expect by now that you are aware that I am intimately familiar with all of the provisions of this bill. This is because many of the provisions now contained in HB 835 were drafted and introduced following hearings approved by this forward-thinking legislative body. These hearings were held before the House Judiciary

Committee earlier this session. At these hearings, the committee studied the many benefits and advances of the use of DNA evidence and technology. That being said, I am most familiar with the final provision contained in the bill before us, as I am the prime sponsor of the legislation from which it comes.

The final provision contained in HB 835 was previously contained in HB 2071 (O’Brien). The provisions from the House-passed version of HB 2071 now contained in this bill amend Title 42 to permit the tolling of the statute of limitations when DNA evidence exists and is subsequently used to identify the perpetrator of the offense. The legislation provides that if evidence of a specified misdemeanor sexual offense or any felony offense is obtained containing DNA and that evidence is subsequently used to identify an otherwise unidentified individual as the perpetrator of the offense, the prosecution of the offense may be commenced within 1 year after the identity of the individual is DNA-determined. This provision will apply to any offense for which the limitation period has not expired on the effective date of this legislation.

The House of Representatives passed HB 2071 on April 13, 2004, by a vote of 193 to 0 and the bill was reported from the Senate Judiciary Committee.

On a final note, I believe it is worth noting that at the Federal level, our counterparts enacted legislation subsequent to the House passage of HB 2071 that touches on DNA issues similar to those contained in the bill before us. The Justice for All Act (H.R. 5107), recently signed into law by President Bush, appropriates approximately \$775 million over the next 5 years (\$151 million a year) specifically for State and local DNA backlog reduction. In addition, the Justice for All Act included provisions along the lines of the House-passed version of HB 2071, tolling the statute of limitations where the identity of the defendant is determined by DNA evidence.

In regards to the tolling of the statute of limitations, the Justice for All Act amended Title 18, Chapter 213, of the U.S. Code to add a new section, 18 U.S.C. 3927, which provides as follows:

“Sec. 3927. Cases involving DNA evidence

“In a case in which DNA testing implicates an identified person in the commission of a felony, except for a felony offense under chapter 109A, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.”

This Federal law, which again was enacted subsequent to this chamber’s first passage of HB 2071, provides for a more expansive approach to DNA tolling of the statute of limitations. This new Federal law permits the tolling of the statute of limitations for Federal crimes until after the identity of the perpetrator has been DNA-identified, at which point the normal statute of limitations would run, which is generally either 2 or 5 years.

While the Federal approach is, of course, more favorable to prosecutors and crime victims than the provision before us in that this legislation provides just a year to file criminal charges after the identity of the perpetrator is DNA-determined, I believe that the more cautious approach to the extension of the statute of limitations which is contained in this legislation is the right approach for Pennsylvania at this time. I am not alone in this belief. The Pennsylvania District Attorneys Association, the Pennsylvania Attorney General, the Fraternal Order of Police, the Pennsylvania State Police, and the State Victim Advocate support the passage of this legislation. With this in mind, however, as our constituents and the courts continue to become more familiar and more comfortable with the strength of DNA evidence, I know we will continue to revisit this issue in future sessions in our never-ending effort to ensure that in Pennsylvania there continues to be “justice for all.”

On behalf of my constituents and with the support of law enforcement and victims of crime, I respectfully request your affirmative vote.

Thank you Mr. Speaker.

**FILMING PERMISSION**

The SPEAKER. The Chair wishes to advise the members that it has given permission to Kristin Wright and John Woods of news organization WHTM-ABC 27 to videotape on the floor of the House for a period of 10 minutes.

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1329, PN 4773**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, amending provisions relating to planned communities.

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

The SPEAKER. It is moved by the gentleman, Mr. Stevenson, that the House do concur in the amendments inserted by the Senate.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, could the gentleman, Mr. Stevenson, please stand?

The SPEAKER. The gentleman indicates he will stand. The gentleman, Mr. Freeman, is in order and may proceed.

Mr. FREEMAN. Thank you, Mr. Speaker.

I was wondering if we could get a brief explanation as to what changes were made by the Senate.

Mr. T. STEVENSON. Yes. Mr. Speaker, there are two basic changes that were made by the Senate. The first one was to the Planned Communities Act and the Uniform Condominium Act, and the change was done in order to get rid of some self-executing clauses that are in some of the documents to some of the associations. Basically, I am referring to the clauses that say that the condominium or a planned community cannot be terminated. Now we are providing that if 80 percent of the owners vote to overrule that clause and allow for the continuation of that association, that is fine. All right?

The second change is dealing with the nonliability clauses that you will find in most of the planned community and condominium documents, and basically, we are providing and we are strengthening language, and the language now provides that the executive board members and officers have no liability for exercising their powers and duties provided that they have used good faith and that their acts are in the best interest of the association, and those standards really enhance the nonliability clause.

They are both good changes.

Mr. FREEMAN. Mr. Speaker, the changes in liability, is that customary for a situation such as this?

Mr. T. STEVENSON. Yes, Mr. Speaker, it is.

Mr. FREEMAN. Okay. Thank you, Mr. Speaker. I thank the gentleman for his explanation.

The SPEAKER. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

**YEAS—196**

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

**NAYS—0****NOT VOTING—0****EXCUSED—6**

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1330, PN 4774**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

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

The SPEAKER. It is moved by the gentleman, Mr. Stevenson, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

## YEAS—196

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

Eachus  
Egolf  
Evans, D.

Lescovitz  
Levdansky  
Lewis

Sainato  
Samuelson

Perzel,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones  
Godshall

Kenney  
Lynch

Nailor

Roberts

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1331, PN 4775**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for condominiums.

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

The SPEAKER. It is moved by the gentleman, Mr. Stevenson, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

## YEAS—196

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



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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2036, PN 4779**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for mental health care declarations and powers of attorney; further providing for the prudent investor rule; and repealing provisions relating to the applicability of requirements for charitable trusts with controlling interests in certain corporations.

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

The SPEAKER. It is moved by the gentleman, Mr. Kenney, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

\* \* \*

## BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair will go over HB 2090 temporarily.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2262, PN 4781**, entitled:

An Act providing for protection of children from obscene material, child pornography and other material that is harmful to minors on the Internet in public schools and public libraries; and providing for the duties of the Secretary of Education.

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

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

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

Mr. VITALI. Could we have a brief explanation of this, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Egolf, indicates he will give a brief explanation.

Mr. EGOLF. Thank you, Mr. Speaker.

I ask the House to concur in the Senate amendments. This bill requires public schools and public libraries to block Internet access to visual depictions of obscenity, child pornography, or material that is harmful to minors. The bill passed the House originally by a vote of 182 to 10.

The Senate made a number of clarifying or even stylistic and technical changes in the bill, and just to briefly summarize those. The Senate amendments add language to the preamble stating that it is not the intent of the bill to create liability for software companies or Internet service providers and that it is not the bill's intent to impose liability in connection with their monitoring and screening functions that seek to restrict access to offensive material. The preamble language also notes the intent of the legislature to minimize such liability in order to encourage the development and use of blocking and screening technologies. So that preamble language does not make any substantial change to HB 2262 because there really was not anything in the bill before to impose any liability. So it is just simply designed to assure that nothing in the bill is intended to change Pennsylvania's tort liability law as applied to software and Internet companies.

The other changes were more technical changes. The one was to substitute the term "school entity" for "school district," and the Senate amendments also added the term "at a minimum" in the section governing the duties of public libraries to establish Internet access policies. They also added "cyber charter school" to the definition of "school entity," and then finally, the Senate amendments made a number of stylistic and technical changes, such as the capitalization of the word "the" in the definition of Internet, those types of things. So nothing substantial.

Mr. VITALI. Thank you, Mr. Speaker. That concludes my interrogation. May I speak on the bill?

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

Mr. VITALI. Very briefly, because I know this is going to pass overwhelmingly, I just will be voting "no."

My own libraries, the Haverford Township and Radnor Township libraries, oppose this legislation. I believe that other library associations do also oppose it. The reason is, they find that this filtering required by this act is unnecessary because, A, it does not work. It filters things that should not be filtered and misses things that should not be missed. So one, it does not work; and two, they can control observation of library terminals and keep kids away from them just by the placement of those terminals near library personnel.

So maybe this is unnecessary legislation that hampers their work as librarians, so I would ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the gentleman, Mr. Egolf, would stand for a brief interrogation.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the gentleman might refresh my memory as to what exactly is being targeted to be filtered out in the legislation that is before us, both in terms of what the House did as well as where the Senate added in or took out.

Mr. EGOLF. The intent is to filter out child pornography, obscenity, material harmful to minors. The Senate did not change that.

Mr. ROEBUCK. This evening as I ate my dinner, I watched NBC News, which carried a story about the distribution to high school students of disks, CDs (compact disks), by a white supremacist group. Part of that CD not only taught them racist songs to sing but also gave them a Web site, a site that they might access to get further information about the doctrines they were purporting. Does your legislation in any way address that kind of problem?

Mr. EGOLF. I really cannot answer that.

The filtering is done by sites, and it is constantly updated by the filter companies, and of course, it might depend on the different filtering server that you are using, but in any case, if it does not – and I am not sure; I cannot say one way or the other – it might be something you would want to add and have legislation to filter.

Mr. ROEBUCK. But it would be your intent, if I am understanding correctly, that your bill would cover that kind of activity as well as anything else that is purely pornographic, the examples you gave. Is it in fact the intent of your legislation to cut off the ability of white supremacist groups to indoctrinate young people in doctrines of racial hatred?

Mr. EGOLF. This bill really is focusing on obscenity and child pornography. Again, if you want to take it further, that is fine; I would agree with you. But right now we are focusing on this one on pornography, child pornography, obscenity.

Mr. ROEBUCK. Thank you, Mr. Speaker.

If I might speak briefly on the bill.

The SPEAKER. The gentleman is in order.

Mr. ROEBUCK. Mr. Speaker, I certainly would agree that sheltering our children from pornography is a good goal. I am concerned, however, that this bill was so narrowly drawn that

indeed our children are exposed to lots of other things that are equally reprehensible. I am certainly very dismayed that there is a systematic effort going forward at this time to indoctrinate young people in doctrines of racial hatred. That is wrong, Mr. Speaker. We ought to be equally concerned about that and its impact on our young people as we are concerned about pornography.

I am concerned that in fact those who disseminate that access to the Web site talk about converting our people to Nazi doctrines, doctrines of racial hatred; doctrines against African-Americans, against Jews and other ethnic groups in our society. We ought to be equally concerned about that, Mr. Speaker, and if we are not, then there is something fundamentally wrong with what we are doing.

It is easy to target perhaps pornography and ignore the other, but we ought to be concerned, Mr. Speaker, that if we pass this bill, we are not really doing the job we should do. We are not really sheltering our young people from the evil influences that swirl around our society that are not only influences of pornography; they are influences of those who want to distort, who want to preach hatred, who want to do evil, and we ought to, as moral individuals, as moral individuals, be as concerned about that as we are about what is in the language of this bill.

I would urge us to keep that in mind as we consider this legislation, and I hope that all of us who claim to be moral will take a stand that will say we ought to do what is right; we ought to not pass this legislation that so narrowly targets the problem and allows those other things to go forward.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Egolf.

Mr. EGOLF. I am not sure if that was a question to me, but I would answer that there was a lot of time, a lot of opportunity, to amend this if the previous speaker would have cared to in the past. We first put this legislation in two terms ago, so there has been plenty of time to amend it, and I would have welcomed those opportunities, but I think at this point it is too late.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—190

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

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

#### NAYS—6

Bishop	Oliver	Vitali	Wheatley
Josephs	Roebuck		

#### NOT VOTING—0

#### EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. It is the information of the Speaker that the Democrats did not have a chance to caucus on HB 2384, PN 4644, but I believe there would be ample opportunity for the members of the Democrat Caucus to ask questions about what is in the bill, so without hearing any objection, I will start to roll the bill, and I would expect Mr. Vitali or Mr. Samuelson to ask questions about what is in the bill.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2384, PN 4644**, entitled:

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

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

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

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

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Semmel, did ask to be recognized first to explain the bill, so that may save you a step.

Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

Regarding HB 2384, the Senate amendments basically took care of the legislation with language agreed to by the One Call Board, the Department of Labor and Industry, and the administration.

Essentially, language was removed that required the submission of facility owner incident reports to go through the One Call System to L&I. There was hesitation in granting such broad authority to a nongovernmental entity not subject to oversight. Rather, the incident reports are submitted directly from the facility owner to L&I. And then the final Senate amendment requires that a contractor submit incident reports to L&I when damage to a line results in personal injury or property damage to third parties. These reports may also be furnished by L&I to the PUC and PEMA (Pennsylvania Emergency Management Agency).

Thank you.

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

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2482, PN 4769**, entitled:

An Act establishing the State Railroad Infrastructure Bank and the State Railroad Infrastructure Bank Fund; and providing for the powers and duties of the Department of Transportation.

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

The SPEAKER. It is moved by the gentleman, Mr. Stern, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

### **BILLS ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS**

The House proceeded to concurrence in Senate amendments to House amendments to **SB 133, PN 1982**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue, for chemical testing to determine amount of alcohol or controlled substance, for Accelerated

Rehabilitative Disposition, for grading, for penalties, for prior offenses, for illegally operating a motor vehicle not equipped with ignition interlock, for mandatory sentencing and for rights and liabilities of minors.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House do concur in the amendments.

On that question, the Chair recognizes the gentleman from Blair, Mr. Geist.

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

All these amendments have been agreed to, and we would urge a "yes" vote.

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

Mr. VITALI. Could we have a brief explanation? In particular, I just, in skimming the bill, noted a section on mandatory sentencing which concerns me. Perhaps that also can be touched upon.

The SPEAKER. The gentleman, Mr. Vitali, would like a brief explanation of the changes.

Mr. GEIST. The changes are all technical changes. It clears up some of the ambiguity from the original text, and that is just about it.

Thank you.

Mr. VITALI. I am told page 8, line 10, contains information regarding mandatory sentencing, which maybe we could—

Mr. GEIST. That is the provision that allows a judge, for somebody who perpetually violates his provisions to be sentenced.

Mr. VITALI. Thank you.

That concludes my interrogation.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 304, PN 1983**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for payments to family and funeral directors, for allowable family exemption and for classification and order or payment of claims against the estate of a decedent.

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

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

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

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

Vance

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 938, PN 1984**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining “multipurpose agricultural vehicle” and “special mobile equipment”; further providing for accidents involving death or personal injury while not properly licensed, for reports by police, for ignition interlock, for width of certain vehicles and for length of vehicles; and adding a road in Wilkes-Barre Township to the State Highway System.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House do concur in those amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

## YEAS—196

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

DeLuca	Kirkland	Rieger	Wojnaroski
Denlinger	Kotik	Roebuck	Wright
Dermody	LaGrotta	Rohrer	Yewcic
DeWeese	Laughlin	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

Ordered, That the clerk inform the Senate accordingly.

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2090, PN 4075**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for rescission of contracts.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Fichter, that the House do concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

This is one of the bills that was not caucused. I just rise to ask if Mr. Fichter could give an explanation of the Senate amendments that we are being asked to concur on.

The SPEAKER. The gentleman, Mr. Fichter, is recognized.

Mr. FICHTER. Thank you, Mr. Speaker.

Mr. Speaker, the Senate amendments really just reorganized the provisions of the bill and put them in a more sequential order. In addition, the language is much the same as when we voted on it when it went over to the Senate. The Senate did remove the provisions of the Whistleblower Law, because basically that applies to public bodies and not private businesses. The Attorney General's Bureau of Consumer Affairs does agree with these changes, and they are with the bill.

Mr. SAMUELSON. Substantially, is the bill similar to when it left the House the first time?

Mr. FICHTER. Yes. They actually just took some paragraphs and changed them around and put them in a more logical order, and they did take out the provisions, as I said,

of the Whistleblower Law, only because that does apply to public bodies and not private businesses.

Mr. SAMUELSON. I appreciate that. And when you say they took out the provisions about the Whistleblower Law, is that provided for elsewhere in State law or are they substantially diminishing your bill?

Mr. FICHTER. It does apply to public businesses but not private.

Mr. SAMUELSON. Thank you for the explanation.

Mr. FICHTER. You are quite welcome. Thank you.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones  
Godshall

Kenney  
Lynch

Nailor

Roberts

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

Ordered, That the clerk inform the Senate accordingly.

### THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

#### CALENDAR CONTINUED

#### RULES SUSPENDED

The SPEAKER pro tempore. If the members would turn to page 3 of the calendar, the Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move for a suspension of the rules to consider SB 1041.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—196

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



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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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 **SB 1041, PN 1972**, entitled:

An Act providing for the continuation of the Pennsylvania Senior Environment Corps volunteer program administered by the Department of Environmental Protection and the Department of Aging.

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

\* \* \*

The House proceeded to third consideration of **SB 95, PN 1939**, entitled:

An Act amending Titles 20 (Decedents, Estates and Fiduciaries) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for right of surviving spouse to elective share; 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?

The SPEAKER pro tempore. The amendments all have been withdrawn or are out of order.

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

#### FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members that the Chair has given permission to Denise Sanchez of the Morning Call to take still photographs on the House floor for the period of 10 minutes.

#### SUPPLEMENTAL CALENDAR C CONTINUED

#### RULES SUSPENDED

The SPEAKER pro tempore. The Chair asks the members to turn to supplemental calendar C, the first page, SB 912, PN 1987.

The Chair recognizes the majority leader.

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

Mr. Speaker, on SB 912 I need to make a motion, Mr. Speaker, to suspend the rules, without amendment, for the consideration of this piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has moved to suspend the rules for immediate consideration. The House will suspend for a minute.

The majority leader has requested suspension of the rules on SB 912, PN 1987.

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

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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 **SB 912, PN 1987**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for crop insurance premium payments and for a report by the Department of Agriculture; and making a 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?

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

### CALENDAR CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 927, PN 1941**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of a third class county convention center authority; and further defining "market area" with respect to certain counties.

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

Mr. **SANTONI** offered the following amendment No. **A4981**:

Amend Bill, page 3, by inserting between lines 17 and 18

Section 3. Within 90 days of the effective date of this act, a county in which there is only one city of the third class shall adopt an ordinance implementing the amendment of the definition of "market area" in section 2399.72(k) of the act.

Amend Sec. 3, page 3, line 18, by striking out "3" and inserting  
4

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

The following roll call was recorded:

### YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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?

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

Mr. **PISTELLA**. Mr. Speaker, my computer failed to show on the screen the amendment. I wanted to have an explanation or a copy before the vote was cast.

The **SPEAKER** pro tempore. The Chair apologizes. The Chair did not see you at the microphone.

The Chair notes that the gentleman, Mr. Leh, has risen, and the gentleman may wish to clarify. The gentleman waives off.

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. Vitali.

Mr. **VITALI**. I just wanted a brief explanation. I saw the word "hotel tax" in there. I just wanted an explanation as to whether this bill involved a tax at all.

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

Mr. LEH. Mr. Speaker, I may be out of order, but I think there was some confusion on the amendment that was offered.

The SPEAKER pro tempore. The amendment was adopted. What confusion? Would the gentleman approach the rostrum.

Mr. LEH. Well, it concerned an explanation of the amendment, which I understood was going to be presented. I know the author of the amendment did rise, and apparently, he was not recognized, and at that time it was my understanding that I had asked the Speaker if I could question the author of the amendment.

Should we file a reconsideration motion?

The SPEAKER pro tempore. The Chair thanks the gentleman. Would the House suspend for a moment.

As a courtesy to the member, I see Representative Santoni has risen. The Chair recognizes the gentleman and requests that you might give a brief explanation of the amendment we just adopted.

Mr. SANTONI. Thank you, Mr. Speaker.

Am I in order to talk about the amendment?

The SPEAKER pro tempore. Yes, sir; you are.

Mr. SANTONI. Really, what the amendment does, very simply, is language was put in in the Local Government Committee dealing with changing the hotel tax language, but this amendment that I just presented will strike that language out and revert back to what the language was under current law, so there is no change, nothing dealing with the hotel tax.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Leh, is recognized.

Mr. LEH. Thank you, Mr. Speaker.

It was my question to the author of the amendment if this amendment did remove the language that was put in prior by him and amended that language back out. In Berks County, as the law stands right now, we have a 15-mile radius, that the motels outside that 15-mile area are exempted from the present hotel tax, and we would like them to remain that way, and my concern was and the concern of my other colleagues from the county was that that language be restored, and it is my understanding that this amendment did restore that language.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. VITALI. To request interrogation on final passage.

The SPEAKER pro tempore. The gentleman is recognized, and we are looking to see who might be willing to stand for interrogation.

Mr. SANTONI. Mr. Speaker?

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

Mr. SANTONI. Could I approach the desk briefly.

The SPEAKER pro tempore. Yes, sir.

(Conference held at Speaker's podium.)

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

(Conference held at Speaker's podium.)

## BILL REVERTED TO PRIOR PRINTER'S NUMBER

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

Mr. SANTONI. To make a motion, Mr. Speaker.

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

Mr. SANTONI. I would like to make a motion to revert on SB 927 to the prior printer's number, 1323.

## DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time.

On the question recurring,

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

The SPEAKER pro tempore. The gentleman, Mr. Santoni, has requested we revert to PN 1323.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Santoni, for a brief explanation.

Mr. SANTONI. Thank you, Mr. Speaker.

The reason that we are reverting to a prior printer's number is there was a drafting error in my amendment No. 5385, and we are going to revert back to the way the law is currently, as we speak today.

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—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

On the question recurring,  
Will the House agree to the bill on third consideration?  
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	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Bianucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

\* \* \*

The House proceeded to third consideration of **SB 668, PN 1952**, entitled:

An Act requiring institutions of higher education to provide students and employees with information relating to crime statistics and security measures and to provide similar information to prospective students and employees upon request; granting powers to the State Board of Education; establishing a uniform crime reporting program; requiring all county and municipal law enforcement agencies to report certain information occurring within the respective jurisdictions; imposing duties on the Pennsylvania Commission on Crime and Delinquency; authorizing the Pennsylvania State Police to collect and gather information on crime and make annual reports; providing for college and university faculty and staff criminal history background investigations and self-disclosure requirements; imposing penalties; and making a related repeal.

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

### BILL REVERTED TO PRIOR PRINTER'S NUMBER

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, is recognized for the purposes of a motion.

Mr. O'BRIEN. Mr. Speaker, I would like to make a motion to revert to the prior printer's number.

The SPEAKER pro tempore. The Chair thanks the gentleman. That would be prior printer's number 1888.

Mr. O'BRIEN. That is correct.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, moves that the House revert to prior printer's number 1888.

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

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. I rise to interrogate the maker of the motion.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation, and you may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

Could you just briefly explain to the House what that entails? What is the difference between the current printer's number and the prior printer's number you are moving to revert to?

Mr. O'BRIEN. This very simply takes out an amendment that was put in in Appropriations. The prime sponsor of that amendment has agreed that we will take it up next session.

Mr. VITALI. What is the subject matter of the amendment we are removing?

Mr. O'BRIEN. HB 2331.

Mr. VITALI. Which does?

Mr. O'BRIEN. It provides for self-disclosure of criminal information for colleges, private colleges, and universities.

Mr. VITALI. Thank you.

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—196

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

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

On the question recurring,  
Will the House agree to the bill on third consideration?  
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	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
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Bastian	Frankel	McCall	Smith, B.

Belardi	Freeman	McGeehan	Smith, S. H.
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Bishop	Gergely	Melio	Stern
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Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
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Casorio	Hanna	Nickol	Thomas
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Cawley	Harhart	Oliver	Travaglio
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Clymer	Harris	Pallone	Turzai
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Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
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Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Killion	Reichley	Wilt
DeLuca	Kirkland	Rieger	Wojnaroski
Denlinger	Kotik	Roebuck	Wright
Dermody	LaGrotta	Rohrer	Yewcic
DeWeese	Laughlin	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

## SUPPLEMENTAL CALENDAR E CONTINUED

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 657, PN 4772**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, providing for the definitions of

“agritainment,” “county commissioners” and “recreational activity”; and further providing for the definition of “forest reserve”, for land devoted to agricultural use, agricultural reserve and/or forest reserve, for responsibilities of county assessor and for roll-back taxes and special circumstances.

On the question,

Will the House concur in Senate amendments?

### MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The gentleman, Mr. Causer, is recognized for a motion.

Mr. CAUSER. Thank you, Mr. Speaker.

I rise in opposition to HB 657 in its current form. HB 657 was a good bill when it was passed by this chamber earlier this session. It was passed with a vote of 194 to 3. However, over in the State Senate, the bill was amended by adding language from SB 834 into this good legislation, and I think to fully explain what has gone on and what is going on with this legislation, you have to look at the whole situation.

What is going on is, the large landowners, particularly in my area of the State, have their land enrolled in Clean and Green, thereby receiving a preferential assessment on their property. At the same time, these landowners are posting their land and leasing out the hunting rights on this land to private hunting clubs for a fee, thereby profiting commercially from the land. This is something that is very problematic, because the individuals are receiving a tax break and at the same time profiting commercially from the land. This was challenged in the common pleas court in McKean County, and the court ruled that this was improper. The amendment that the Senate put into this HB 657 would overturn that court's decision.

I think that, as I said before, HB 657 in its previous form was a good bill. However, what was amended to it in the State Senate causes some concern and is very problematic. I think if many of your constituents were aware of what was added to this bill, they would see where I am coming from.

The language inserted by the Senate is antisportsmen. I think that a vote for this bill in its current form is a vote against all the sportsmen in the State, and I know that the sportsmen vote, and it is something that I think we need to look at very strongly. If you are voting for this bill in its current form, you are voting against the sportsmen in our State.

For that reason I have drafted amendment 5330, and I move to suspend the rules to offer this amendment, Mr. Speaker, and I would ask my colleagues to support the motion to suspend the rules.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the question of suspension of the rules to consider amendment A5330, the Chair recognizes the gentleman, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to oppose suspension of the rules.

Basically, while this may affect some hunting rights in some areas, it might also, by removing this provision, affect it in other areas. We have some large landowners that will not allow their land to be used, that will not allow it to be open to hunting or



other recreational purposes, if they cannot have it controlled and if they cannot charge these fees.

Simply, what this does is it allows for a fee to be charged for recreational activity without jeopardizing Clean and Green status, and I would just urge the members to vote “no” on suspension of the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Greene County, Mr. DeWeese.

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

On a motion to suspend, is it my recollection that that is debatable by the floor leaders or those that are deferred to and—

The SPEAKER pro tempore. You are correct, Mr. DeWeese, but by hand motion, the gentleman, Mr. Feese, deferred to the gentleman, Mr. Miller.

Mr. DeWEESE. Thank you very much.

The SPEAKER pro tempore. You are welcome.

Mr. DeWEESE. I will defer to the gentleman from Cambria, Mr. Haluska.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I stand here because I am the representative on the Democratic side of the Hardwoods Development Council and the Forestry Task Force. This situation has come up many times in our meeting, and we have talked this out extensively. In a perfect world, it would be nice that all the lands were open for hunting, but unfortunately, what is happening in some of these larger tracts, if these companies cannot get the reduction in the property taxes through Clean and Green and also turn around and lease the properties out so that they can afford to pay the taxes, these large tracts of land get divvied up into smaller sections and get sold off.

So what we are asking for here with the Scarnati amendment that was put in this bill was to give these property owners some relief from some of the oppressive property taxes that they pay. These forest products industries only receive income maybe every two to three decades from these properties, so the time in between, obviously, they receive no income off these properties, and they are looking to keep these tracts of land in productive, managed forest areas. Unfortunately, when you start to take these large tracts of land and you divvy them up into very small pieces of property with different owners, it is very hard to manage a forest.

So I stand here with the Pennsylvania hardwoods industry asking you not to suspend the rules. In a perfect world, this would be something that probably even myself as a sportsman, that you have to understand, sportsmen still get an opportunity to hunt in these lands, but obviously, they are helping to pay the taxes as they do hunt on these lands.

So I would stand here and ask you not to suspend.

Thank you.

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—112

Armstrong	Donatucci	Maitland	Ruffing
Baker	Eachus	Manderino	Sainato
Baldwin	Evans, D.	Mann	Samuelson
Belardi	Evans, J.	Markosek	Santoni
Belfanti	Fabrizio	Marsico	Shaner
Biancucci	Forcier	McCall	Smith, B.
Bishop	Frankel	McGeehan	Staback
Blaum	Freeman	McIlhinney	Stairs
Boyd	George	Melio	Sturla
Butkovitz	Gergely	Metcalfe	Surra
Buxton	Gingrich	Millard	Tangretti
Caltagirone	Goodman	Mundy	Taylor, J.
Casorio	Grucela	Mustio	Tigue
Causar	Hanna	Myers	Travaglio
Cawley	Harhai	O'Brien	Turzai
Cohen	Harris	O'Neill	Veon
Coleman	James	Pallone	Vitali
Corrigan	Josephs	Petrarca	Walko
Costa	Keller	Petri	Wansacz
Crahalla	Killion	Petrone	Washington
Creighton	Kirkland	Pistella	Wheatley
Cruz	Kotik	Preston	Williams
Curry	LaGrotta	Reed	Wilt
DeLuca	Laughlin	Reichley	Wojnarowski
Denlinger	Leach	Rieger	Yewcic
Dermody	Lederer	Roebuck	Youngblood
DeWeese	Lescovitz	Rohrer	Yudichak
Diven	Levdansky	Rooney	Zug

## NAYS—83

Adolph	Fleagle	Mackereth	Schroder
Allen	Gabig	Maher	Scrimenti
Argall	Gannon	Major	Semmel
Bard	Geist	McGill	Smith, S. H.
Barrar	Gillespie	McIlhatten	Solobay
Bastian	Good	McNaughton	Steil
Benninghoff	Gruitza	Micozzie	Stern
Birmelin	Habay	Miller, R.	Stetler
Browne	Haluska	Miller, S.	Stevenson, R.
Bunt	Harhart	Nickol	Stevenson, T.
Cappelli	Harper	Oliver	Taylor, E. Z.
Civera	Hasay	Payne	Thomas
Clymer	Hennessey	Phillips	True
Cornell, S. E.	Herman	Pickett	Vance
Dailey	Hershey	Raymond	Waters
Daley	Hess	Readshaw	Watson
Dally	Hickernell	Ross	Weber
DiGirolamo	Horseby	Rubley	Wright
Egolf	Hutchinson	Sather	
Fairchild	Leh	Saylor	Perzel,
Feese	Lewis	Scavello	Speaker
Fichter			

## NOT VOTING—1

Flick

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the lady, Miss Major, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—178

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

#### NAYS—18

Casorio	Forcier	Petrarca	Samuelson
Causar	Gergely	Pistella	Tigue
Cawley	Leach	Readshaw	Walko
Costa	Levdansky	Ruffing	Yudichak
Dermody	Metcalfe		

#### NOT VOTING—0

#### EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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.

#### ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. At this time the Speaker would like to remind the members and any staff that are on the floor, there was a pair of glasses that was left in the front row of the rostrum. If any member is missing their glasses or any staff is missing glasses, they are here at the Speaker's rostrum.

#### CALENDAR CONTINUED

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 677, PN 1283**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; providing for consumer protection and information and for expiration of alternative telecommunications services; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

#### RULES SUSPENDED

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

Mr. D. EVANS. Mr. Speaker, I move to suspend the rules for the immediate consideration of amendment A5498.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—183

Adolph	Evans, J.	Lewis	Ruffing
Allen	Fabrizio	Mackereth	Sainato
Argall	Fairchild	Maher	Samuelson
Armstrong	Feese	Maitland	Santoni
Baker	Fichter	Major	Sather
Baldwin	Fleagle	Manderino	Saylor
Bard	Flick	Mann	Scavello
Barrar	Forcier	Markosek	Schroder
Bastian	Frankel	Marsico	Scrimenti
Belfanti	Freeman	McCall	Semmel
Benninghoff	Gabig	McGeehan	Shaner
Biancucci	Gannon	McGill	Smith, B.
Birmelin	Geist	McIlhattan	Smith, S. H.
Bishop	Gergely	McIlhinney	Stairs
Boyd	Gillespie	McNaughton	Steil

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

## NAYS—12

Belardi	Grucela	Solobay	Tigue
Blaum	Hanna	Staback	Wansacz
George	Mundy	Surra	Yudichak

## NOT VOTING—1

Clymer

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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.

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

Mr. **D. EVANS** offered the following amendment No. **A5498**:

Amend Title, page 1, lines 2 through 5, by striking out “further providing for the Office of” in line 2, all of lines 3 through 5 and inserting

further defining “common carrier by motor vehicle”; providing for consumer protection and information and for the protection of responsible customer of public utilities; abrogating regulations; and preempting local regulation.

Amend Bill, page 1, lines 8 through 19; pages 2 through 10, lines 1 through 30; page 11, lines 1 through 21, by striking out all of said lines on said pages and inserting

Section 1. Paragraph (4) of the definition of “common carrier by motor vehicle” in section 102 of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \*

“Common carrier by motor vehicle.” Any common carrier who or which holds out or undertakes the transportation of passengers or property, or both, or any class of passengers or property, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of such motor vehicle, or who or which provides or furnishes any motor vehicle, with or without driver, for transportation or for use in transportation of persons or property as aforesaid, and shall include common carriers by rail, water, or air, and express or forwarding public utilities insofar as such common carriers or such public utilities are engaged in such motor vehicle operations, but does not include:

\* \* \*

(4) Any person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated and road construction materials. This paragraph does not include the use or furnishing of five-axle tractor trailers.

\* \* \*

Section 2. Title 66 is amended by adding sections to read:

§ 308.1. Consumer protection and information.

(a) Informal complaints.—The commission shall promulgate regulations by which a consumer may make informal complaints. A party may appeal a determination regarding the informal complaint and seek review by an administrative law judge or special agent subject to the procedures in section 335 (relating to initial decisions and release of documents). The commission shall keep records of each informal complaint received, the matter complained of, the utility involved and the disposition and shall at least annually prepare a report on these matters.

(b) Rate comparison report.—Annually, by April 15, the commission shall submit a report to the Governor and to the General Assembly. The report shall compare all categories of ratepayers for all electric and gas public utilities so that reasonably accurate comparisons of rates can be made between similar individuals or groups of ratepayers receiving services in different service areas.

Section 3. Title 66 is amended by adding a chapter to read:

## CHAPTER 14

## RESPONSIBLE UTILITY CUSTOMER PROTECTION

Sec.

1401. Scope of chapter.
1402. Declaration of policy.
1403. Definitions.
1404. Cash deposits and household information requirements.
1405. Payment agreements.
1406. Termination of utility service.
1407. Reconnection of service.
1408. Surcharges for uncollectible expenses prohibited.
1409. Late payment charge waiver.
1410. Complaints filed with commission.
1411. Automatic meter readings.
1412. Reporting of delinquent customers.
1413. Reporting of recipients of public assistance.
1414. Liens by city natural gas distribution operations.
1415. Reporting to General Assembly and Governor.
1416. Notice.
1417. Nonapplicability.
1418. Construction.

## § 1401. Scope of chapter.

This chapter relates to protecting responsible customers of public utilities.

## § 1402. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Formal service rules were first adopted by the Pennsylvania Public Utility Commission in 1978 with the stated goal of enforcing uniform, fair and equitable residential utility service standards governing eligibility criteria, credit and deposit practices, account billing, termination and restoration of service procedures and customer complaint procedures. These rules have not successfully managed the issue of bill payment. Increasing amounts of unpaid bills now threaten paying customers with higher rates due to other customers' delinquencies.

(2) The General Assembly believes that it is now time to revisit these rules and provide protections against rate increases for timely paying customers resulting from other customers' delinquencies. The General Assembly seeks to achieve greater equity by eliminating opportunities for customers capable of paying to avoid the timely payment of public utility bills.

(3) Through this chapter, the General Assembly seeks to provide public utilities with an equitable means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections and by increasing timely collections. At the same time, the General Assembly seeks to ensure that service remains available to all customers on reasonable terms and conditions.

(4) The General Assembly believes that it is appropriate to provide additional collection tools to city natural gas distribution operations to recognize the financial circumstances of the operations and protect their ability to provide natural gas for the benefit of the residents of the city.

## § 1403. 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:

"Applicant." A natural person not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested.

"Change in income." A decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level.

"Customer." A natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested.

"Customer assistance program." A plan or program sponsored by a public utility for the purpose of providing universal service and energy conservation, as defined by section 2202 (relating to definitions) or section 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers must comply with certain responsibilities and restrictions in order to remain eligible for the program.

"Electric distribution utility." An entity providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners or operators that manage the internal distribution system serving such building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

"Formal complaint." A complaint filed before the Pennsylvania Public Utility Commission requesting a legal proceeding before a Pennsylvania Public Utility Commission administrative law judge or a

mediation under the management of a Pennsylvania Public Utility Commission administrative law judge.

"Household income." The combined gross income of all adults in a residential household who benefit from the public utility service.

"Informal complaint." A complaint filed with the Pennsylvania Public Utility Commission by a customer that does not involve a legal proceeding before a Pennsylvania Public Utility Commission administrative law judge or a mediation under the management of a Pennsylvania Public Utility Commission administrative law judge.

"LIHEAP" or "Low Income Home Energy Assistance Program." A federally funded program that provides financial assistance in the form of cash and crisis grants to low-income households for home energy bills and is administered by the Department of Public Welfare.

"Natural gas distribution service." The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution utility.

"Natural gas distribution utility." A city natural gas distribution operation or entity that provides natural gas distribution services and may provide natural gas supply services and other services. The term does not include either of the following:

(1) Any public utility providing natural gas distribution services subject to the jurisdiction of the Pennsylvania Public Utility Commission that has annual gas operating revenues of less than \$6,000,000 per year, except where the public utility voluntarily petitions the commission to be included within this definition or where the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.

(2) Any public utility providing natural gas distribution services subject to the jurisdiction of the commission that is not connected to an interstate gas pipeline by means of a direct connection or an indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

"Natural gas supply services." The sale or arrangement of the sale of natural gas to retail gas customers and services that may be unbundled by the Pennsylvania Public Utility Commission under section 2203(3) (relating to standards for restructuring of natural gas utility industry). The term does not include natural gas distribution service.

"Payment agreement." An agreement whereby a customer who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments.

"Public utility." Any electric distribution utility, natural gas distribution utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Pennsylvania Public Utility Commission.

"Occupant." (Reserved).

"Significant change in circumstance." Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

(1) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.

(2) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household.

(3) Loss of the customer's residence.

(4) Increase in the customer's number of dependents in the household.

"Water distribution utility." An entity owning or operating equipment or facilities for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

## § 1404. Cash deposits and household information requirements.

(a) General rule.—In addition to the right to collect a deposit under any commission regulation or order, the commission shall not prohibit a public utility, prior to or as a condition of providing utility service, from requiring a cash deposit in an amount that is equal to

one-sixth of the applicant's estimated annual bill, at the time the public utility determines a deposit is required, from the following:

(1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

- (i) Nonpayment of an undisputed delinquent account.
- (ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.
- (iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
- (iv) Unauthorized use of the utility service delivered on or about the affected dwelling.
- (v) Failure to comply with the material terms of a settlement or payment agreement.
- (vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.
- (vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic meter reading device or other public utility equipment.
- (viii) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the delivery system of the public utility.

(2) Any applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice.

(3) A customer who fails to comply with a material term or condition of a settlement or payment agreement.

(b) Third-party guarantor.—Nothing in this section shall be construed to preclude an applicant from furnishing a third-party guarantor in lieu of a cash deposit. The guaranty shall be in writing and shall state the terms of the guaranty. The guarantor shall be responsible for all missed payments owed to the public utility.

(c) Deposit hold period.—

(1) A public utility may hold a deposit until a timely payment history is established or for a maximum period of 24 months.

(2) A timely payment history is established when a customer has paid in full and on time for twelve consecutive months.

(3) At the end of the deposit holding period as established in paragraph (1), the public utility shall deduct the outstanding balance from the deposit and return or credit any positive difference to the customer.

(4) If service is terminated before the end of the deposit holding period as established in paragraph (1), the public utility shall deduct the outstanding balance from the deposit and return any positive difference to the customer within 60 days of the termination.

(5) If a customer becomes delinquent before the end of the deposit holding period as established in paragraph (1), the public utility may deduct the outstanding balance from the deposit.

(6) The public utility shall accrue on the deposit until it is returned or credited the legal rate of interest pursuant to section 202 of the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, and return such interest with the deposit.

(d) Adult occupants.—Prior to providing utility service, a public utility may require the applicant to provide the names of each adult occupant residing at the location and proof of their identity.

(e) Failure to pay full amount of cash deposit.—A public utility shall not be required to provide service if the applicant fails to pay the full amount of the cash deposit.

(f) City natural gas distribution operation; additional deposit rules for city natural gas distribution operations.—Except for applicants

who are subject to a deposit under subsection (a), a city natural gas distribution operation may require a deposit from the applicant as follows:

(1) If an applicant has household income above 300% of the Federal poverty level, one-sixth of the applicant's estimated annual bill, paid in full at the time the city natural gas distribution operation determines a deposit is required; or

(2) If an applicant has household income no greater than 300% of the Federal poverty level, one-twelfth of the applicant's estimated annual bill, paid in full at the time the city natural gas distribution operation determines a deposit is required. Applicants who enroll into the Customer Assistance Program made available by the city natural gas distribution operation are not subject to this paragraph.

(g) Estimated annual bill.—When used in this section, an estimated annual bill shall be calculated on the basis of the annual bill to the dwelling at which service is being requested for the prior 12 months, or, if unavailable, a similar dwelling in close proximity.

(h) Time for paying deposits upon reconnection.—Applicants required to pay a deposit upon reconnection under subsection (a)(1) shall have up to 90 days to pay the deposit in accordance with commission regulations.

§ 1405. Payment agreements.

(a) General rule.—The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants and customers. The commission is authorized to establish payment agreements between a public utility, customers and applicants within the limits established by this chapter.

(b) Length of payment agreements.—The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment agreement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond:

(1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.

(2) Two years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.

(3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.

(4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

(c) Customer assistance programs.—Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission.

(d) Number of payment agreements.—Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment agreement if a customer has defaulted on a previous payment agreement. A public utility may, at its discretion, enter into a second or subsequent payment agreement with a customer.

(e) Extension of payment agreements.—If the customer defaults on a payment agreement established under subsections (a) and (b) as a result of a significant change in circumstance, the commission may reinstate the payment agreement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown.

(f) Failure to comply with payment agreement.—Failure of a customer to comply with the terms of a payment agreement shall be grounds for a public utility to terminate the customer's service. Pending the outcome of a complaint filed with the commission, a customer shall be obligated to pay that portion of the bill which is not in dispute and subsequent bills which are not in dispute.

§ 1406. Termination of utility service.

(a) Authorized termination.—A public utility may notify a customer and terminate service provided to a customer after notice as

provided in subsection (b) for any of the following actions by the customer:

- (1) Nonpayment of an undisputed delinquent account.
- (2) Failure to comply with the material terms of a payment agreement.
- (3) Failure to complete payment of a deposit, provide a guarantee of payment or establish credit.

(4) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.

(b) Notice of termination of service.—

(1) Prior to terminating service under subsection (a), a public utility:

(i) Shall provide written notice of the termination to the customer at least ten days prior to the date of the proposed termination. The termination notice shall remain effective for 60 days.

(ii) Shall attempt to contact the customer or occupant, either in person or by telephone, to provide notice of the proposed termination at least three days prior to the scheduled termination. Phone contact shall be deemed complete upon attempted calls on two separate days to the residence between the hours of 7 a.m. and 9 p.m. if the calls were made at various times each day.

(iii) During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, the public utility shall, within 48 hours of the scheduled date of termination, post a notice of the proposed termination at the service location.

(iv) After complying with paragraphs (ii) and (iii), the public utility shall attempt to make personal contact with the customer or responsible adult at the time service is terminated. Termination of service shall not be delayed for failure to make personal contact.

(2) The public utility shall not be required by the commission to take any additional actions prior to termination.

(c) Grounds for immediate termination.—

(1) A public utility may immediately terminate service for any of the following actions by the customer:

(i) Unauthorized use of the service delivered on or about the affected dwelling.

(ii) Fraud or material misrepresentation of the customer's identity for the purpose of obtaining service.

(iii) Tampering with meters or other public utility's equipment.

(iv) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the public utility's delivery system.

(2) Upon termination, the public utility shall make a good faith attempt to provide a post termination notice to the customer or a responsible person at the affected premises, and, in the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

(d) Timing of termination.—Notwithstanding the provisions of section 1503 (relating to discontinuance of service), a public utility may terminate service for the reasons set forth in subsection (a) from Monday through Friday as long as the public utility can accept payment to restore service on the following day and can restore service, consistent with section 1407 (relating to reconnection of service).

(e) Winter termination.—

(1) Unless otherwise authorized by the commission, after November 30 and before April 1, an electric distribution utility or natural gas distribution utility shall not terminate service to customers with household incomes at or below 250% of the Federal poverty level except for customers whose actions conform to subsection (c)(1). The commission shall not prohibit

an electric distribution utility or natural gas distribution utility from terminating service in accordance with this section to customers with household incomes exceeding 250% of the Federal poverty level.

(2) In addition to the winter termination authority set forth in paragraph (1), a city natural gas distribution operation may terminate service to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of his charges for each of the prior two months unless the customer has done one of the following:

(i) Has proven in accordance with commission rules, that his household contains one or more persons who are 65 years of age or over.

(ii) Has proven in accordance with commission rules, that his household contains one or more persons 12 years of age or younger.

(iii) Has obtained a medical certification, in accordance with commission rules.

(iv) Has paid to the city natural gas distribution operation an amount representing at least 15% of the customer's monthly household income for each of the last two months.

(3) At the time that the notice of termination required by subsection (b)(1)(i) is provided to the customer, the city natural gas distribution operation shall provide notice to the commission. The commission shall not stay the termination of service unless the commission finds that the customer meets the criteria in paragraph 2(i), (ii), (iii) or (iv).

(f) Medical certification.—A public utility shall not terminate service to a premises when a licensed physician or nurse practitioner has certified that the customer or a member of the customer's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician verifying the condition and shall promptly forward it to the public utility. The medical certification procedure shall be implemented in accordance with commission regulations.

(g) Qualification for LIHEAP.—A notice of termination to a customer of a public utility shall be sufficient proof of a crisis for a customer with the requisite income level to receive a LIHEAP Crisis Grant from the Department of Public Welfare or its designee.

(h) Dishonorable tender of payment after receiving termination notice.—

(1) After a public utility has provided a written termination notice under section 1406(b)(1)(i) (relating to termination of utility service) and attempted telephone contact as provided in section 1406(b)(1)(i), termination of service may proceed without additional notice if:

(i) a customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor); or

(ii) a customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled.

(2) The public utility shall not be required by the commission to take any additional actions prior to the termination.

§ 1407. Reconnection of service.

(a) Fee.—A public utility may require a reconnection fee based upon the public utility's cost as approved by the commission prior to reconnection of service following lawful termination of the service.

(b) Timing.—When service to a dwelling has been terminated and, provided the applicant has met all applicable conditions, the public utility shall reconnect service as follows:

(1) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification.

(2) Within 24 hours for terminations occurring after November 30 and before April 1.

(3) Within three days for erroneous terminations requiring street or sidewalk digging.

(4) Within three days from April 1 to November 30 for proper terminations.

(5) Within seven days for proper terminations requiring street or sidewalk digging.

(c) Payment to restore service.—

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment agreements. If a customer or applicant with household income exceeding 300% of the Federal poverty level experiences a life event the customer shall be permitted a period of not more than three months to pay the outstanding balance required for reconnection. For purposes of this paragraph, a life event is:

(A) A job loss that extended beyond nine months.

(B) A serious illness that extended beyond nine months.

(C) Death of the primary wage earner.

(ii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level.

(iii) Full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated pursuant to this subsection only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation except that this requirement shall not apply if the financial benefits to such customer or applicant are greater if served outside of that assistance program.

(d) Payment of outstanding balance at premises.—A public utility may also require the payment of any outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there.

(e) Approval.—A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the commission.

§ 1408. Surcharges for uncollectible expenses prohibited.

The commission shall not grant or order for any public utility a cash receipts reconciliation clause or another automatic surcharge mechanism for uncollectible expenses. Any orders by the commission entered after the effective date of this chapter for a cash receipts reconciliation clause or other automatic surcharge for uncollectible expenses shall be null and void. This section shall not affect any clause associated with universal service and energy conservation.

§ 1409. Late payment charge waiver.

A public utility may waive late payment charges on any customer accounts. The commission may only order a waiver of any late payment charges levied by a public utility as a result of a delinquent account for customers with a gross monthly household income not exceeding 150% of the Federal poverty level.

§ 1410. Complaints filed with commission.

The following apply:

(1) The commission shall accept complaints only from customers who affirm that they have first contacted the public utility for the purpose of resolving the problem about which the customer wishes to file a complaint. If the customer has not contacted the public utility, the commission shall direct the customer to the public utility.

(2) Pending the outcome of a complaint filed with the commission, the customer shall be obligated to pay that portion of the bill which is not in dispute and subsequent bills which are not in dispute.

(3) For a formal complaint filing to be valid, the customer needs to provide a statement attesting to the truth as to the facts alleged in the complaint. All testimony in formal complaint proceedings must be under oath.

§ 1411. Automatic meter readings.

All readings by an automatic meter reader device shall be deemed actual readings for the purposes of this title.

§ 1412. Reporting of delinquent customers.

A city natural gas distribution operation shall report to the Pennsylvania Intergovernmental Cooperation Authority established pursuant to the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, an assisted city or corporate entity of an assisted city, as those terms are defined in the Pennsylvania Intergovernmental Cooperation Authority Act, that has not paid in full for charges for service by the due dates stated on the bill or otherwise agreed upon.

§ 1413. Reporting of recipients of public assistance.

The Department of Public Welfare shall annually provide a city natural gas distribution operation with the listing of recipients of public assistance in a city of the first class. A city natural gas distribution operation shall not use the listing for anything but qualification and continued eligibility for a customer assistance program or LIHEAP.

§ 1414. Liens by city natural gas distribution operations.

(a) General rule.—A city natural gas distribution operation furnishing gas service to a property is entitled to impose or assess a municipal claim against the property and file as liens of record claims for unpaid natural gas distribution service and other related costs, including natural gas supply, in the court of common pleas of the county in which the property is situated or, if the claim for the unpaid natural gas distribution service does not exceed the maximum amount over which the Municipal Court of Philadelphia has jurisdiction, in the Municipal Court of Philadelphia, pursuant to sections 3 and 9 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, and Ch. 22 (relating to natural gas competition).

(b) Residential field visit charge.—A city natural gas distribution operation is authorized to charge a minimum fee of \$10 for each instance in which its representative is required to visit the residence of a customer in the process of attempting to complete required service termination steps.

(c) Refusal of service.—The commission shall permit a city natural gas distribution operation to refuse to provide service to an applicant if the applicant has a pending lien or civil judgment by the city natural gas distribution operation outstanding against the applicant or against property owned in whole or in part by the applicant unless the applicant enters into a payment arrangement for the payment of the amount associated with the lien or judgment that remains outstanding at the time of the application.

§ 1415. Reporting to General Assembly and Governor.

No later than two years following the effective date of this chapter, and every two years thereafter, the commission shall submit a report to the Governor, the Chief Clerk of the House of Representatives and the Secretary of the Senate reviewing the implementation of the provisions of this chapter. The report shall include, but not be limited to:

- (1) The degree to which the chapter's requirements have been successfully implemented.
- (2) The effect upon the cash working capital or cash flow, uncollectible levels and collections of the affected public utilities.
- (3) The level of access to utility services by residential customers including low-income customers.
- (4) The effect upon the level of consumer complaints and mediations filed with and adjudicated by the commission.

Public utilities affected by this chapter shall provide data required by the commission to complete this report. In its recommendations, the commission may also propose any legislative or other changes which it deems appropriate to the Governor and the General Assembly.

§ 1416. Notice.

Within 30 days of the effective date of this act, public utilities affected by this chapter shall provide notice to the customers explaining the changes to be implemented.

§ 1417. Nonapplicability.

This chapter shall not apply to victims under a protection from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

§ 1418. Construction.

Nothing in this chapter shall affect any rights or procedure under the act of November 26, 1978 (P.L.1255, No.299), known as the Utility Service Tenants Rights Act.

Section 4. The following shall apply:

- (1) The addition of 66 Pa.C.S. Ch. 14 supersedes any inconsistent requirements imposed by law on public utilities, including, but not limited to, requirements imposed by 52 Pa. Code §§ 56.32, 56.33, 56.35, 56.41, 56.51, 56.53, 56.81, 56.82, 56.83, 56.91, 56.93, 56.94, 56.95, 56.96, 56.100, 56.101, 56.111, 56.112, 56.113, 56.114, 56.115, 56.116, 56.117, 56.181 and 56.191.

- (2) All other regulations are abrogated to the extent of any inconsistency with 66 Pa.C.S. Ch. 14.

- (3) All ordinances of any city of the first class are abrogated to the extent they are inconsistent with 66 Pa.C.S. Ch. 14.

Section 5. The addition of 66 Pa.C.S. Ch. 14 shall expire on December 31, 2014, unless sooner reenacted by the General Assembly.

Section 6. The Pennsylvania Public Utility Commission shall amend the provisions of 52 Pa. Code Ch. 56 to comply with the provisions of 66 Pa.C.S. Ch. 14 and may promulgate other regulations to administer and enforce 66 Pa.C.S. Ch. 14, but promulgation of any such regulation shall not act to delay the implementation or effectiveness of this chapter.

Section 7. This act shall take effect in 14 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Evans, is recognized for the purpose of an explanation on amendment A5498.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, this is an issue that is not new to this House. It is an issue that there was some discussion about, I think, a couple months ago, but since that time, there has been a lot of work done by both sides – the House Republicans, the Senate Democrats, the Senate Republicans, and the Governor's Office – and this particular amendment, amendment A5498 to SB 677, let me just tell you a little bit about the amendment.

The amendment will help protect consumers of electric, gas, and water utilities that are responsible customers that pay their bills and pay them on time. These responsible customers increasingly find themselves with the unfair burden of paying higher bills as public utilities are forced to shift costs incurred by serving customers who do not pay their bills.

Amending SB 677 will help customers because it modernizes customer service and collection rules that are antiquated and obsolete. It provides new tools to public utilities to help them eliminate the possibility of customers who are able to pay their bills but evade them.

Under the amendment to SB 677, the utility service would remain available to all customers on reasonable terms and conditions and programs such as the CAP program (customer assistance program) to low-income individuals at reduced rates. Customers who pay their bills on time are not affected by this amendment or legislation. Instead, an amended 677 attempts to change the behavior of consumers who utilize fraud or deception.

I urge a "yes" vote on this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentlelady, Ms. Manderino, rise?

Ms. MANDERINO. On the amendment.

The SPEAKER pro tempore. On the amendment.

Ms. MANDERINO. Thank you.

Would the maker of the amendment stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will, and you are in order and may proceed.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I do have some substantive questions, but before I get to the questions that I had marked up in a prior amendment No. 5472, the system is showing that this new number, it just says "corrective reprint." So first, could you just explain to me if the corrective reprint dealt with anything substantive that might not be in the hard copy that I had, if you can?

Mr. D. EVANS. Can you hold, Mr. Speaker, for one second. Let me check on that question.

Mr. Speaker, I am trying to be correct in the amendment that you are referring to. Which amendment is that again?

Ms. MANDERINO. I had received an amendment 5472, which I thought was the last amendment and the one that was going to be offered tonight, and I see that this number is different and the system is calling it a corrective reprint. I just do not know if it is a corrective reprint of the one I have in front of me.

Mr. D. EVANS. Mr. Speaker, I think that the only amendment I could probably respond to is the amendment I have, which is 5498. I am not familiar with the one that you have, 5472.

Ms. MANDERINO. Thank you, Mr. Speaker.

Then let me try to ask by way of the substance of the language and not by line or page.

In the definition section, there is a definition of "natural gas distribution utility," and it describes a city natural gas distribution operation and excludes two types of utilities. There is an exclusion for two different types of utilities. What I am trying to determine is, what is this definition crafted to capture or not capture? What entities?



Mr. D. EVANS. Mr. Speaker, can you hold for one second, please.

Ms. MANDERINO. In the version I had, it was on page 4, beginning at line 16 through line 34.

Mr. D. EVANS. Mr. Speaker, my understanding, which has just been reported to me, is that this basically does not cover the smaller utilities, as just described to me, in terms of natural gas.

Ms. MANDERINO. So if I can rephrase that, there are several city-owned natural gas utilities in Pennsylvania, but the way this definition is crafted, only a large city natural gas utility would fit this definition?

Mr. D. EVANS. We are excluding the smaller ones, which are currently not under the PUC's jurisdiction.

Ms. MANDERINO. So the intent is to not make anybody who is currently not regulated by the PUC subject to PUC regulation by this amendment?

Mr. D. EVANS. Correct, Mr. Speaker.

Ms. MANDERINO. Thank you.

That is my only question about the definitions.

In the section that deals with the general rule, which is the rule where the commission cannot prohibit a public utility from requiring a cash deposit, there is a provision with regard to the customer's creditworthiness. In my version it was on page 5, beginning at line 38, but it was a new subsection (2) under 1404(a). My question is, is that a brand-new standard for utility deposits regardless of whether it is a gas, electric, or water utility that does not exist in current law?

Mr. D. EVANS. This is something, Mr. Speaker, that is being extended to all of the utilities, and they have to go through the PUC Commission in order for this to occur. It is currently a pilot under these four, but then it is extended, is possibly extended, to all of the utilities.

Ms. MANDERINO. Let me make sure I understand that. If I am the ABC Water Company, under current public utility law and PUC regulation, I cannot collect a cash deposit from a new customer who wants water service in my territory based on their creditworthiness, but if this bill passes, I will be able to?

Mr. D. EVANS. That is correct, Mr. Speaker.

Ms. MANDERINO. Thank you.

There are provisions in the bill that I am assuming put restrictions on the length of time for which customers can make payment agreements. There are provisions based on your level of income as a percent of poverty of 5 years, 2 years, and 1 year, and on the version of the amendment I looked at, this is at the top of page 7.

My question is, is the difference between this amendment and current law that right now how long payment agreements can be entered into is solely within the discretion of the PUC, but if this becomes law, then the PUC's discretion will be limited to the time periods that we have described in this amendment?

Mr. D. EVANS. The answer is yes, Mr. Speaker.

Ms. MANDERINO. Okay. So the PUC would be without any jurisdiction to find any circumstances to extend these 6-month, 1-year, 2-year, or 5-year payment agreements?

Mr. D. EVANS. If you, Mr. Speaker, look at 24, (e), where it tells you "Extension of payment agreements," that would answer your question, Mr. Speaker.

Ms. MANDERINO. Could you refer me by page and line.

Mr. D. EVANS. It is on page 7, 24, (e).

Ms. MANDERINO. Okay. So if the change of circumstance – and I did read the definition of "change in circumstance" in

the bill – if a change of circumstance is one reason, then this bill authorizes the PUC to make exceptions, but if they do not meet one of those change-of-circumstance exceptions, then the bill prohibits the PUC from exceeding these time periods.

Mr. D. EVANS. Mr. Speaker, if they have an income loss, they can have the ability to get another arrangement.

Ms. MANDERINO. Correct. That was one of the circumstances – income loss, medical condition. There were limits of circumstances. Okay. Thank you.

I am now looking on page 11, I believe, of the amendment, section 1409, which is a late payment charge waiver, and my question with regard to this was, I am trying to understand how this differs from current law, and I am making an assumption but I do not know if it is correct that currently if a customer dispute or complaint is before the PUC, the PUC has the discretion to waive late payment charges for whatever reason the PUC decides for a person at any income, if the PUC so decides, but now the PUC's jurisdiction to waive a late payment charge would be only for people whose incomes are 150 percent or less of poverty. So this is restricting the PUC discretion with regard to waivers of late payment charges.

Mr. D. EVANS. Correct, Mr. Speaker.

Ms. MANDERINO. Okay.

Then a little bit further down there is a requirement for a formal complaint being a notarized statement under oath. Is this a new part of the law, or is that something that is currently required?

Mr. D. EVANS. Mr. Speaker, I will read to you where it says, "For a...complaint filing to be valid, the customer needs to provide a statement attesting to the truth as to the facts alleged in the complaint. All testimony in formal complaint proceedings must be under oath."

Ms. MANDERINO. Okay. So was that the corrective reprint, because that language is different than what was in the amendment that I had? Was that the only corrective reprint?

Mr. D. EVANS. I would say yes, Mr. Speaker.

Ms. MANDERINO. Okay. Was that the only corrective reprint?

Mr. D. EVANS. Mr. Speaker, can you repeat your question again.

Ms. MANDERINO. Yes. My earlier question about the corrective reprint, I was just trying to make sure what language had been corrected, and when you read to me the words for that section (3), they were different than the words in the prior amendment, so I understand that you are saying that was one of the—

Mr. D. EVANS. Correct.

Ms. MANDERINO. —corrective reprints, and it sounds to me that it is a rewording of the same idea, and let me just stay on that idea, and then I will repeat my question.

Can you explain why this change is necessary? Were there abuses in the complaint process before that we now have what I am assuming is a new requirement of something being sworn under oath?

Mr. D. EVANS. The answer is, yes, there were abuses, Mr. Speaker, in terms of the process.

Ms. MANDERINO. Okay. So like right now if somebody walks into my office and they get from me the form to file a complaint with the PUC and they fill out the form and if my office notarizes that form, then that meets this requirement?

Mr. D. EVANS. Mr. Speaker, there is a distinction between an informal complaint and a formal complaint. A formal

complaint, as you know, goes to the PUC. There is a particular process that you go through. I believe that what you are describing is more of an informal complaint.

Ms. MANDERINO. Okay.

I guess the essence of what I am trying to get to in my questioning in this regard is, by our adding a requirement for sworn statements, are we adding to either the cost of what it would take somebody to make a complaint or giving grounds by which a complaint can be rejected if the appropriate kind of hoops were not jumped through? I am just trying to imagine how this process will now work.

Mr. D. EVANS. Mr. Speaker, if you look at page 3 and I think at the bottom, I think that will maybe assist you in terms of when you asked the question about formal complaint.

Ms. MANDERINO. Okay. Is that definition of “formal complaint” the same definition of “formal complaint” that exists in current law, and if not, how is it different?

Mr. D. EVANS. It is the same as it is in current law, Mr. Speaker.

Ms. MANDERINO. Okay. Thank you.

There is a requirement, which I guess is a new requirement, and I believe if I am reading it correctly, it does not apply to all utility shutoffs, as much of the bill does, but only to utility shutoffs of a city-owned natural gas distribution company – so I am assuming that means PGW (Philadelphia Gas Works) in Philadelphia – that authorizes, and the words in my version are, “...a minimum fee of \$10 for each instance in which...” the natural gas company’s representative has to make a visit to the residence of the customer in attempting to do a shutoff, basically.

Mr. D. EVANS. Yes, Mr. Speaker.

Ms. MANDERINO. And when I went back and looked at the procedure that someone has to go through in order to do a shutoff, and particularly in the winter, it seems to me if the customer, for example, is low-income and they do not have a telephone so that all the contacts have to happen in person, there could be at least three contacts that happen under the procedure. So I am trying to figure out if the language “a minimum fee of \$10” means we are only going to charge you a nominal fee of \$10 or we can charge you the minimum of \$10 or more times however many visits we have to make.

Mr. D. EVANS. There is a ban on shutoffs for low income, first, in the winter. Secondly, as you see, there is an income requirement as it moves up.

So to your question, there is a ban in the winter for low income, and I think that may answer your question.

Ms. MANDERINO. Okay. Now, I am going to assume that I am talking about a customer that does not meet the ban requirements, because I think even at 150 percent of income or less, there are instances, as I read this bill, that you can still be shut off, but my point is trying to get to whether or not three visits to your house means three \$10 surcharges or three visits to your house means \$10, \$20, \$30, \$40, because the language says “to charge a minimum fee of \$10,” not a maximum fee of \$10 or a fee of \$10.

Mr. D. EVANS. Mr. Speaker, it would only be two, not three, and basically, going back to the point for low income in wintertime, there would be a ban against shutoffs.

Ms. MANDERINO. Okay. So I am not a customer that meets the low-income ban requirements. Is the charge that could happen two times \$10 or \$10 or more?

Mr. D. EVANS. No—

Ms. MANDERINO. Read the language.

Mr. D. EVANS. I understand.

Ms. MANDERINO. Yes.

Mr. D. EVANS. It could be no more than \$20 in terms of two visits, \$10 for each visit.

Ms. MANDERINO. Okay. So it is the legislative intent that when we say, “A city natural gas distribution operation is authorized to charge a minimum fee of \$10 for each instance...,” that really means a maximum fee of \$10 for each instance?

Mr. D. EVANS. Correct.

Ms. MANDERINO. Thank you.

Thank you, Mr. Speaker.

I very much appreciate your indulgence on the interrogation, and I have finished my interrogation and would just have a brief comment for the amendment itself.

The SPEAKER pro tempore. The gentlelady is recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

I just ask all members to take a look at this amendment in respect to the utilities that you may have a concern about to make sure that you are comfortable with it. There are some provisions in here that deal just with the PGW situation in Philadelphia, and then there are others that cover all water, gas, and electric utilities in the Commonwealth of Pennsylvania.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I do not know whether it is the late hour, and there have been very few times I have taken the mike to argue a point with my colleague from Philadelphia, Mr. Evans, but there is something that is very troubling about this, and that is that even in Philadelphia, where they are concerned about those who do not pay their bills, I am wondering why they included all other areas of the Commonwealth, yours and mine, and then they put a figure in of \$6 million. I doubt very much if any of us have in our area a utility that makes less, has less revenue than \$6 million.

It is insisted by the community and by Mr. Popowsky over there in his unit, and I believe him, that we have as much as 180,000 people that are turned off right now. Now, we stand here and we talk about these things and what we should do and what we are entitled to do, and I have no argument if one utility wants to collect money; they ought to have that opportunity, but right today the PUC has that opportunity. And then when we talk about 200 percent or 250 percent of income, we can be talking about a home where the entire family does not make more than \$20,000 or \$25,000.

Now, I do not know what you will do now that they have included your area, whether you are as concerned as I hope you should be, but I am not going to vote for this amendment.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, did the gentleman, Mr. Gruitza, wish to be recognized?

Mr. GRUITZA. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GRUITZA. I wonder if the gentleman, Mr. Evans, would consent to a very brief interrogation; just very brief.

The SPEAKER pro tempore. The gentleman indicates he will, and you may proceed.

Mr. GRUITZA. First of all, I supported this measure when it came through here before, and following the gentelady from Philadelphia's interrogation and reading the legislation very closely, Mr. Speaker, I am looking in the same section that the gentelady was looking, and I am a little concerned with the subparagraph (2). I am trying to read it off the computer from my position here. It says, "Any applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice." And as I read this, and I am offering this with all—I had voted for this very similar measure before because I understand what we are trying to resolve here. What does that mean?

I am concerned that a young couple that really may have never taken out a loan or who does not have credit cards, who has not established credit per se—I have children, for example, and I think all of us do, who do not have a credit rating, who have been supported by their parents, and they leave the nest and get their first apartment or whatever—does this mean that they would be required, if they have no credit rating, to put a deposit down in the amount of one-sixth of the annual rate? For example, for natural gas, that could be perhaps, you know, many hundreds of dollars or perhaps thousands of dollars. What does that mean?

Mr. D. EVANS. I does, as you just indicated about the aspect of the deposit, but it is basically left up to the discretion of the utility, or they can have a third-party guarantor.

Mr. GRUITZA. So in other words, if my daughter or son for the first time goes out and rents an apartment, has never had a credit card, maybe has a job somewhere but no credit rating, that utility company can say to them, well, we need an \$800 deposit because we are estimating your gas costs for this apartment for the year at \$3,600, or whatever that might be, and we want one-sixth of it? You know, I am just hypothetically speaking.

Mr. D. EVANS. Mr. Speaker, there are a number of ways you obviously can deal with that. You yourself could guarantee it by signing for that particular person, no more different than we do when people do not have credit, but basically, it is a percentage depending on—you know, no more different than if you get an apartment, you put down the down payment, something in escrow, in order to get that apartment. It is the same way, Mr. Speaker.

Mr. GRUITZA. But essentially, that would be the deal for that person, and at the discretion of the utility company, that deposit could be mandated based on the fact that that young couple, that young man or woman, does not have a credit rating.

Mr. D. EVANS. Correct, Mr. Speaker. Again, very much similar to if somebody gets an apartment, you know, usually they have to put something down in order to get that particular apartment, and I think that is generally normal practice, Mr. Speaker.

Mr. GRUITZA. I appreciate your response, Mr. Speaker. That is all.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, there are four others who wish to speak on the amendment, and the Chair will

recognize them in this order: the gentlemen, Mr. Thomas, Mr. Horsey, Mr. Scrimenti, and Mr. O'Brien.

At this time the gentleman from Philadelphia, Mr. Thomas, is recognized on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the author of the amendment stand for interrogation?

The SPEAKER pro tempore. The member indicates he is willing to stand for interrogation. You are in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, a couple of things I need to be clear on.

One, does your amendment apply only to gas distribution or does it apply to all other utilities, like water, electric?

Mr. D. EVANS. All other utilities, Mr. Speaker.

Mr. THOMAS. So all other utilities will be utilizing the standards as outlined in the amendment—

Mr. D. EVANS. Correct, Mr. Speaker.

Mr. THOMAS. —for deposits and things of that nature?

Mr. D. EVANS. Correct, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, this upfront security deposit and the third-party guarantor, Mr. Speaker, what happens, what happens if there is a delinquency following the third-party guarantor? Is that third-party guarantor then liable for the delinquency?

Mr. D. EVANS. Yes, Mr. Speaker. I mean, again, no more than, again, cosigning a loan for someone. That person would be the guarantor for that particular loan, or as I said, the apartment, whatever is provided. At the end of the day, somebody has to ensure, if that person does not have the creditworthiness or if they are delinquent or if they have bad credit, basically, fundamentally, it is something that they have to ensure that that person will be a worthy customer.

Mr. THOMAS. Okay. Mr. Speaker, the previous speaker was concerned about young couples and their inability to deal with the circumstances in this amendment. I guess my concern is about the elderly, I mean, since Philadelphia County is the situs or is the place where, you know, this whole change in rules came about. The elderly population in Philadelphia is almost as large as the population in the State of Florida.

What provisions have been made in your amendment for elderly people who do not have the luxury of having income that goes up and down and are for the most part trapped in situations where they are not able to deal with the security deposits and some of the other rules contained in your amendment? Where do they go?

Mr. D. EVANS. Mr. Speaker, senior citizens, working poor, or any other would be protected by the Federal Poverty Guidelines, which basically set certain provisions where there are bans against shutoffs in the wintertime, and the provisions are stated in this particular amendment. So they are protected under the Federal Poverty, first.

Secondly, I want to say something to the other speaker who asked a question. When we talked about putting down the deposit, we talked about the aspect that the deposit also achieves interest, and that money will be given back to that particular person.

Mr. THOMAS. Well, Mr. Speaker, that was going to be my next concern, and maybe it is an oversight on my part, but I did not see anywhere in the bill where the interest accrued on security deposits will be returned to the utility customer.

Mr. D. EVANS. Page 6, lines 11 and 12, that within a 12-month period, that deposit will be returned with the interest.

Mr. THOMAS. Okay. On page 6, I see where the deposit will be credited, and then the customer will receive the difference between the credit and what is left over, but I did not specifically see language which says that all interest— You know, since you use landlord-tenant leases as a reference point, in landlord-tenant leases, the law is clear that all interest accrued from security deposits must be returned to the tenant unless there are some damages or something to the landlord's property, and therefore, the tenant will lose his or her right to that security deposit. But I did not see any specific language in this bill which says that all interest accrued from the security deposit will be returned.

Mr. D. EVANS. Mr. Speaker, "The public utility shall accrue on the deposit until it is returned or credited the legal rate of interest pursuant to section 202 of the act of January 30, 1974...referred to as the Loan Interest and Protection Law, and return such interest with the deposit," page 6, 12.

Mr. THOMAS. Okay. I am familiar with that language, but I think case law has demonstrated that that has to be separate and apart from the deposit, that there must be a clear statement indicating that all interest accrued will be returned regardless of whether or not the customer owes anything to the utility provider. That interest should be independent of the deposit itself, and it should be kept in a segregated account; it should be kept in a separate account. So there is some concern about what I think is lack of clarity in that particular section.

My other question, Mr. Speaker, is, how does your amendment address the issue of medical emergencies? I think under current law or at least I know with the Department of Public Welfare, there is some sensitivity to medical emergencies, and I am concerned about how your amendment deals with medical emergencies within the context of this law.

Mr. D. EVANS. Mr. Speaker, if you look on page 9, 24, (f), it is consistent with current law.

Mr. THOMAS. And what does it provide, Mr. Speaker?

Mr. D. EVANS. It says, "Medical certification." You can see it there; 24, (f), Mr. Speaker.

Mr. THOMAS. Okay. But I guess if a customer can validate or verify that there exists a medical emergency, will that customer be subjected to a shutoff?

Mr. D. EVANS. Mr. Speaker, I am suggesting that you look at page 9, 24, (f). I do not want to interpret anything. I want to give you specifically the language. So you look at 9, 24, (f). It lays out very specifically exactly what happens in a case of a medical emergency.

Mr. THOMAS. Okay. Mr. Speaker, I am sorry I do not have that in front of me right now. I thought I read it, but I was unclear as to whether or not a medical emergency will interfere with the termination of a customer's service, and you know, if you could just provide me— I mean, I would like to be able to say yes or no to the people that I represent, and is it a yes or no?

Mr. D. EVANS. It is a yes, Mr. Speaker.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, how does your amendment deal with the whole issue of innocent noncustomers taking responsibility for somebody else's bill?

Mr. D. EVANS. What is that question? Could you repeat that question, Mr. Speaker.

Mr. THOMAS. I think, Mr. Speaker, two situations: one, again, dealing with the third-party guarantor. By the mere declaration of one being a third-party guarantor places responsibilities on that third party that go far beyond what exists in current law, and so to that end, if I want to help my mother out and my mother is being subject to a shutoff and I provide the deposit to get the service turned on or I paid the bill, why should I continue to be responsible for delinquencies that might occur through no fault of her own? But it appears as though—

Mr. D. EVANS. I do not understand that question.

Mr. THOMAS. Within the context of your bill, it appears as though that once you sign up as a third-party guarantor, then you are taking short- and long-term responsibility for the status of that utility service at that particular location, and I am concerned about at what point are you let off the hook. Can you worry about paying your own utility bills rather than being bound for someone else's utility bills?

Mr. D. EVANS. Mr. Speaker, as long as that person is paying their bill, that third party will not have any particular effect in terms of that particular environment, as long as the person is paying the bill. If they have an agreement, if they make an agreement, if they do whatever they have to do, Mr. Speaker, basically they will have no responsibility as that third party. That third party, Mr. Speaker, is on the basis of if that particular person should have bad credit; should not in some way, Mr. Speaker, have creditworthiness. I would imagine, Mr. Speaker, over time, as that person builds creditworthiness, then that third person will be removed from that particular situation.

Mr. THOMAS. But, Mr. Speaker, how does the gas company go about determining, going back to this whole security deposit, because the bill appears to say that the deposit will be one-sixth of the existing bill, and what I am thinking about is, in Philadelphia County we have thousands of blighted properties, properties that were used for one situation, that were used for commercial purposes, which now might be available for residential purposes, and so to that end, how does your amendment deal with the reasonableness that is necessary in determining what that security deposit should be, since your amendment says that the security deposit must be one-sixth of the existing bill? And I am talking about new customers, and I am talking about the security deposit, and how does the gas company determine what is one-sixth of prior use, which might not be relevant to current use?

Mr. D. EVANS. Obviously, Mr. Speaker, I am not in the utility business, so I could not specifically tell you what the exact practice of that particular company is, first. Basically, Mr. Speaker, the only thing I could say to you is that obviously they would measure it, again, by creditworthiness. They would look at it in terms of that particular person's track record. I am speculating, Mr. Speaker, that they also would look at probably the usage of the gas in that particular house and make some kind of determination. Do not hold me to that, Mr. Speaker, because I, in return, would need to talk to them to find out specifically how they put the process together.

Mr. THOMAS. That is part of what I am concerned about, because I get a lot of complaints in my office, and there are certain neighborhoods in Philadelphia County and I am sure in other places where people move a lot. They move from one location to another, and in Philadelphia one of the big problems is the elderly having to move out of a home that they have been

trying to sustain into maybe an apartment that is much more manageable.

And so I guess what I am concerned with is the utility company being able to use prior use as a standard in determining the level of the security deposit as opposed to looking at the customer's income situation in making some determinations about the security deposit.

Mr. D. EVANS. Mr. Speaker, I want to be very clear, what I only stated to you is speculation on my part, because I said to you clearly that I am not a utility expert, so I do not want to stand here and try to tell you something that I am not clear that is the way they conduct their process. I am making an assumption that they look at creditworthiness. I am making an assumption they look at— And they probably may even look at a person's income. I am not sure. So I am only giving you my guesstimate regarding that is how they handle the process.

Mr. THOMAS. The reason I asked that – and I do not want to delay the consideration of the bill too much longer – but the reason I asked that is because in other similar situations, they look at something called a totality of circumstances – income, family size, prior usage, and some other factors. That does not appear to be the case in this amendment. The amendment seems to say that the utility company will look at prior use as the sole indicator of determining the level of that security deposit, how much should that security deposit represent, and that in and of itself could represent an undue burden on a lot of folk.

Mr. D. EVANS. Mr. Speaker, I would like to say this to you. Mr. Speaker, one, if you pay your bill, if you are a responsible customer, this particular amendment will not in any way affect you, first.

Secondly, Mr. Speaker, what this amendment attempts to do is to change the behavior of consumers who utilize fraud or deception to avoid payment to the utility company. So for someone who pays their bill and who is responsible, Mr. Speaker, this amendment will not have any effect upon their particular situation.

Mr. THOMAS. Mr. Speaker, I hear you and I understand you, and I think you are familiar with my district very well. Over 40 percent of the people in my district are unemployed. Mr. Speaker, in one part of my district, in my ward, I have over 8,000 people 65 and over who for the most part are trapped in their situation. Yorktown Homes has a number of people who are up in years, cannot maintain a home but, given their limited income, cannot just get up and move into another apartment. And so, Mr. Speaker, also, while there is neighborhood transformation, there are still a lot of blighted properties that are being used as a basis for determining what the security and what payments should be.

So, Mr. Speaker, I understand you. It is just that I would have liked for your amendment or this bill to kind of look at what I think are reality-based circumstances that are facing people in Philadelphia County and in other parts of the State. But I thank you for attempting to make SB 677 more plausible, and I thank you for your efforts to try and make life a little bit more comfortable for people, but I think there are still a lot of questions to be raised about this bill and this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. HORSEY. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment? I only have two brief questions.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. HORSEY. There is an affirmative duty placed on the utility. I think it is on page 9 or 10. I just have one question on that matter, and that one question is, if they do not turn the utility on within 24 hours, if they do not react within 7 days, if they do not react within 1 day, what is the penalty for the utility? Is there a penalty for the utility? Page 9 places a duty on the utility to react after they have terminated a utility.

Point in fact: There are 30 inches of snow outside. A person's gas is off. They go satisfy their bill, and now they are waiting for the utility to put the gas back on. The utility has a duty to put the gas on in 1 or 2 days. It is 7 days and they have not put the gas on. Is there a penalty placed on the utility for not doing what they are supposed to do within that timeframe?

Mr. D. EVANS. The Public Utility Commission, Mr. Speaker, has the ability to render penalties against that particular utility if it does not provide the necessary service; the commission does, Mr. Speaker.

Mr. HORSEY. Yes, Mr. Speaker, but is there anything in your amendment that adds to that duty? I understand we are going after delinquents, but at the same time— Oh; excuse me. I will save that for comment. But is there anything that places any additional duty or responsibility on the utilities?

Mr. D. EVANS. In this amendment, no, Mr. Speaker, but that is in current law.

Mr. HORSEY. Thank you, Mr. Speaker. That is question one.

Question two, Mr. Speaker, is, what is the recourse of the average citizen who suffers a severe loss at the hands of a utility? Is there anything in your bill that covers that?

Mr. D. EVANS. Repeat that question again, Mr. Speaker.

Mr. HORSEY. A citizen has been harmed by a utility. Is there any way or any recourse other than the courts – okay; I understand the court serves as an option – but is there anything in your amendment that helps the consumer if he is hurt or damaged by the utility?

Mr. D. EVANS. No, Mr. Speaker; nothing in this particular amendment. Under current law, they could go, again, to the PUC.

Mr. HORSEY. Thank you, Mr. Speaker. That is all.

Mr. Speaker, on the amendment.

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

Mr. HORSEY. Mr. Speaker, this amendment, I understand what the gentleman is attempting to do, but in our haste, we must also remember the consumer. Quite often the inability or the nonpaying of bills is not always the fault of the constituent, and I believe that if we are going to place a duty on citizens to do what needs to be done in terms of paying their bills, we should also equally place the responsibilities on the utilities once these bills are paid, once these accounts are closed, to in fact, you know, be a part of what we call in the business due diligence, that they do the right thing, and I am standing here telling you, from personal experience, they do not always do the right thing. They play. They know they are supposed to be back and have gas cut on in, you know, 24 hours, and it is 6 days

later and people are still looking out their window for the car to come up, dig the street, and put the utilities back on.

This may be the best we can get, so I am not going to say I am not going to support it. I am simply going to say that the amendment does have flaws in it, and that is it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair recognizes the gentleman from Erie, Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

This is a bad amendment. This is a solution after a problem.

I want to say to everyone here that this is not an amendment to rid of deadbeats. No, no. This is punitive. The PUC says the collection system presently is working. Let me repeat that. The PUC says the collection system is working. In northwestern Pennsylvania this amendment would bring the frigid temperatures of the streets into the homes of the poor, whether widow, child, or senior citizen.

I ask everyone here to let us turn off the heat of his amendment and join AARP in opposing this amendment and vote "no."

In Representative Curtis Thomas's earlier remarks, he talks about the totality of circumstances, which translates into one's ability to pay, and this legislative body has repeatedly stated that it is the responsibility of the utilities to consider that.

Let us continue that tradition, that humanity, and once again vote "no."

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

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

Mr. Speaker, I would first like to congratulate Representative Evans for taking possession of this very important issue and putting it back on track.

This is a very good amendment. This is a very difficult problem, as everyone knows. Very simply stated, Mr. Speaker, this amendment does several things: It provides for a ban on deadbeat surcharges; it gives utilities tools to combat the name game, which is where persons avoid paying utility bills until terminated and then get service reconnected in another name; it limits the length of time of PUC-ordered payment arrangements of defaulted utility bills to 5 years; it prohibits winter termination of customers with incomes at or below 250 percent of the Federal poverty level; it sunsets in 10 years.

Mr. Speaker, this bill is very important for another reason. Wall Street is monitoring the progress of this legislation. The provisions in this bill are pledged to Wall Street. This bill will generate several millions of dollars. If this bill is not enacted before we leave, then Philadelphia Gas Works' bond status will reduce to junk bonds or less. That means they will not be able to buy gas. That also means that people who are not paying their bills will not get gas, but more importantly, it means that people who are paying their bills will not get gas. This bill applies to utilities all over the Commonwealth who are experiencing similar problems. It applies to water utilities who are competing against unregulated water companies.

Mr. Speaker, once again I will reiterate, I appreciate Representative Evans taking possession of a very difficult issue, bringing it before this House, and I ask for an affirmative vote.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentlelady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

PGW has a problem, and so the entire Commonwealth is going to pay the price. Once again Philadelphia has a problem and my constituents are going to pay the price.

When this bill originally came before us in much the same way that it has appeared tonight – no public hearings, no consumers at the table to express concerns about the bill – I offered an amendment that would limit the provisions of this bill to PGW. That amendment was tabled. So now all of the utility companies have piled on.

And I beg to differ with the previous speaker. All utilities in this State do not have the same problems as PGW. My constituents are not deadbeats. In fact, PPL, the State's largest energy utility outside of Philadelphia, has said that the current PUC rules are working and legislation is not needed. Let me quote what they said in a November 11, 2004, Wilkes-Barre Times Leader article regarding SB 689: " 'We've always looked at service shut-offs as a last resort, and we look at it that there are better, more effective ways to collect payments,' said George Lewis, a spokesman for PPL. 'We think the regulations that are in place now are working and doing what they're supposed to do, balance the utilities' needs and the customers' needs. We're not lobbying this bill at all. We don't see it as necessary.' "

There is no utility collection crisis in Pennsylvania. Objective long-term PUC figures show that between 1997 and 2003, there has been a decrease in the percentage of electric and gas customers in arrears, a decrease in the percentage of electric and gas customer dollars in arrears out of total residential revenues, a decrease in the percentage of residential electric and gas revenues written off as uncollectible, and a decrease in the percentage of electric revenues written off.

Current regulations have not prevented utilities from terminating customers. Between 1997 and 2003, the number of terminations has increased by more than 57 percent. This year, in the first 10 months, from January through October, terminations across the State have increased from 138,316 to 160,369 households. I repeat: There is no utility collection crisis in Pennsylvania. There is one in Philadelphia. Why do we not just limit the provisions of this bill to Philadelphia? Because there are some people who are greedy.

I trust the PUC to deal with these cases on a case-by-case basis to protect consumers. I do not necessarily trust utility companies to be in the business of protecting consumers. They are in the business of protecting profits and shareholders, which is probably exactly what they should be doing. That is why we have a Consumer Advocate, who is strongly opposed to this bill. There should be no rush to judgment here. This bill is strongly opposed by 35 consumer groups, including AARP and the Pennsylvania Council of Churches. My newspapers have editorialized against this bill.

Please, let us not create problems for people who fall on hard times and are temporarily unable to pay their bills. I have had people who have gone to Florida, to their Florida homes in the wintertime, and had been charged an outrageous amount of money because they had a leak in their toilet and they did not know about it. What if they got cut off in the wintertime and came home to a house that was ruined because of burst pipes, because of other problems as a result of a utility shutoff?

We are in the business of creating problems that people are going to suffer untold damages because of this anticonsumer provision. If we could limit this to PGW, I would be for it. PGW has a problem, and nobody is going to step into Philadelphia and provide gas services as an alternative. We need to fix PGW's problem, but there is no utility collection crisis in the rest of Pennsylvania. Let us not do this to our constituents.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the amendment, the Chair recognizes the gentleman, Mr. DeLuca, from Allegheny County.

Mr. DeLUCA. Thank you, Mr. Speaker.

I guess I am a little confused here tonight. I guess it is because of the lateness of the hour here. And I am no fan of utilities, but it seems to me that an individual who is hardworking, tries to pay his bills, and he certainly falls on hard times, too, because certainly anybody with a family knows how tough it is to pay their utility bills, but I imagine it is a heck of a lot harder to pay these bills when you have to pick up the cost of people who do not pay their bills.

Now, do some people fall on hard times? Yeah, but there are a lot of people who just feel that they can just neglect these bills, because the fact is, the PUC will take X amount of time to shut their water off or shut their utilities off because of the fact that it is the wintertime, it will make a difference, and some of them wait until the wintertime. But as I see it, I think the utilities are a business out there, and like any business, if you do not get the income coming in, you either have to raise the prices or get it off the people who are paying the tab, the bills.

So I just do not understand here tonight, understand what is happening here tonight, when I hear, you know, we are going after, from what I understand, unless I am misinterpreting what I hear the people are saying, the speakers are saying, I think we are going after people who are deadbeats, and why should the average Joe Blow out there who is struggling to pay his bills – and everybody has problems paying their bills – have to pick up the cost for them? That makes no sense at all.

I support the Evans amendment, and I think it is a good amendment, and I think that is what we should be doing. We should be doing more of this in the Commonwealth when people do not pay their bills.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and on the amendment, the Chair recognizes the gentlelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I also ask for a "no" vote.

I heartily endorse the remarks of the lady from Luzerne, but I want to add that not only is there no collection crisis across the State, there is a diminishing crisis in Philadelphia. The gas utility in Philadelphia has tightened up its procedures. It is going better after people who are deadbeats, and I expect that we will see over the next maybe only one heating season a very good increase in the way it deals with people who are able to pay the bills but are not paying the bills.

I do not know why we are doing this at this time. I think that what we are doing is a prescription for increasing homelessness across the State. I think we are discouraging young families and young people to move away from their parents. I think this is really a bad idea.

I would not be against revisiting this for Philadelphia if the utility cannot do the work it is doing by itself, but I would like to see some time go by and make sure that this is the right thing to do, because I really fear we are going to hurt people on limited incomes, young families, children, and I do not think that is the right thing for us to do.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

Mr. HORSEY. Thank you, Mr. Speaker, and I will be real brief and short.

I just want to remind this chamber of one fact, because I heard the gentleman from Allegheny County discussing this as a business. The reason why we created the PUC, the uniqueness of utilities, Mr. Speaker, is that without gas, electric, and water, you know why people die? People die without those. We put them in a special category. It is not like going out to buy a necktie and a shirt. Without utilities, people die; the point being, they are a special category of business. Certainly they are a business, but they are a special category of business, and people cannot do without them. And I just wanted to remind this chamber that you cannot treat utilities like a regular business, because again, they are needed and they are necessary for people to live.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, does the gentleman, Mr. Samuelson, seek to speak?

Mr. SAMUELSON. Thank you, Mr. Speaker.

Actually, I seek to speak not on the amendment but on our schedule, as the clock strikes midnight on a Friday night. I rise to raise a concern about the schedule and to make a motion.

I wanted to speak before midnight, because it is exactly 141 years ago that Abraham Lincoln gave his Gettysburg Address where he said government of the people, by the people, and for the people shall not perish from this earth, and this is no way to do the people's business, debating significant issues as the hour grows late.

There are potential problems if our—

The SPEAKER pro tempore. Excuse me. Would the gentleman cease.

Does the gentleman intend to make a motion?

Mr. SAMUELSON. Yes. I intend to make a motion as I did on July 3, but as soon as I make the motion, I will not be allowed to speak and explain my motion; only the floor leaders will be allowed to speak. So I would like to lead up to my motion by saying two or three sentences explaining why I intend to make this motion.

The SPEAKER pro tempore. Two or three sentences would be appropriate.

Mr. SAMUELSON. We have a memo in our hands saying there is a parade in downtown Harrisburg. The roads will be tied up and access to the Capitol is going to be limited tomorrow. We have problems with the nature of the sine die sessions. We all know that a late-night session, a weekend session, is not the way to do business—

The SPEAKER pro tempore. The Chair thanks the gentleman, and if the gentleman wishes to make a motion, now is the time.

Mr. SAMUELSON. Okay.

### MOTION TO ADJOURN

Mr. SAMUELSON. My final sentence leading up to my motion is that we consider very significant issues with very little debate and deliberation.

For these reasons and as we head towards, as we head past midnight with an unknown legislative schedule, I move that this House adjourn for the weekend and return on Monday at 1 o'clock to continue our discussion.

The SPEAKER pro tempore. The motion is to adjourn until Monday, November 22.

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

The SPEAKER pro tempore. On the motion, only the floor leaders may speak, and on that motion, the gentleman, Mr. Argall, is recognized.

Mr. ARGALL. Thank you, Mr. Speaker.

While I sympathize with the gentleman's comments, we have some very important legislation left ahead of us, and I would ask respectfully for a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. "The iron tongue of midnight doth told twelve; Lovers, to bed; 'tis almost fairy time." That was one of the more delectable lines from "A Midsummer-Night's Dream." Well, as the honorable gentleman realizes, this is not a midsummer-night's dream; this is the hurly-burly of the General Assembly, and notwithstanding the fact that it is the anniversary of the Gettysburg Address, which was certainly punctuated with amicability and hope for a new start, we Democrats, I hope, will support our Republican colleagues and work a little bit longer into the night. There is no doubt that we will not achieve all of our goals this evening, Mr. Speaker, and we will probably have to return either tomorrow or Sunday or on Monday or Tuesday. But that is the nature of the session sine die.

So notwithstanding the honorable intentions of the gentleman, many of us are still alert, even in abstraction, and we are quite content to keep on working. The State Senate is still at work, the Governor and his team are working earnestly, and I would ask for a negative vote on the gentleman's motion, notwithstanding the fact that it is wholesomely engendered.

The SPEAKER pro tempore. On the motion, those in favor of the motion will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

### YEAS—26

Benninghoff	Donatucci	Melio	Rooney
Coleman	Freeman	Metcalfe	Ruffing

Costa  
Creighton  
Daley  
Dermody  
Diven

Grucela  
Hanna  
Hutchinson  
Laughlin  
McIlhattan

Pallone  
Pistella  
Reichley  
Rieger

Samuelson  
Scrimenti  
Tigue  
Vitali

### NAYS—170

Adolph  
Allen  
Argall  
Armstrong  
Baker  
Baldwin  
Bard  
Barrar  
Bastian  
Belardi  
Belfanti  
Biancucci  
Birmelin  
Bishop  
Blaum  
Boyd  
Browne  
Bunt  
Butkovitz  
Buxton  
Caltagirone  
Cappelli  
Casorio  
Causar  
Cawley  
Civera  
Clymer  
Cohen  
Cornell, S. E.  
Corrigan  
Crahalla  
Cruz  
Curry  
Dailey  
Dally  
DeLuca  
Denlinger  
DeWeese  
DiGirolamo  
Eachus  
Egolf  
Evans, D.  
Evans, J.

Fabrizio  
Fairchild  
Feese  
Fichter  
Fleagle  
Flick  
Forcier  
Frankel  
Gabig  
Gannon  
Geist  
George  
Gergely  
Gillespie  
Gingrich  
Good  
Goodman  
Gruitza  
Habay  
Haluska  
Harhai  
Harhart  
Harper  
Harris  
Hasay  
Hennessey  
Herman  
Hershey  
Hess  
Hickernell  
Horsey  
James  
Josephs  
Keller  
Killion  
Kirkland  
Kotik  
LaGrotta  
Leach  
Lederer  
Leh  
Lescovitz  
Levdansky

Lewis  
Mackereth  
Maher  
Maitland  
Major  
Manderino  
Mann  
Markosek  
Marsico  
McCall  
McGeehan  
McGill  
McIlhinney  
McNaughton  
Micozzie  
Millard  
Miller, R.  
Miller, S.  
Mundy  
Mustio  
Myers  
Nickol  
O'Brien  
Oliver  
O'Neill  
Payne  
Petrarca  
Petri  
Petrone  
Phillips  
Pickett  
Preston  
Raymond  
Readshaw  
Reed  
Roebuck  
Rohrer  
Ross  
Rubley  
Sainato  
Santoni  
Sather  
Saylor

Scavello  
Schroder  
Sammel  
Shaner  
Smith, B.  
Smith, S. H.  
Solobay  
Staback  
Stairs  
Steil  
Stern  
Stetler  
Stevenson, R.  
Stevenson, T.  
Sturla  
Surra  
Tangretti  
Taylor, E. Z.  
Taylor, J.  
Thomas  
Travaglio  
True  
Turzai  
Vance  
Veon  
Walko  
Wansacz  
Washington  
Waters  
Watson  
Weber  
Wheatley  
Williams  
Wilt  
Wojnarowski  
Wright  
Yewcic  
Youngblood  
Yudichak  
Zug  
Perzel,  
Speaker

### NOT VOTING—0

### EXCUSED—6

Bebko-Jones  
Godshall

Kenney  
Lynch

Nailor

Roberts

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,  
Will the House agree to the amendment?

The following roll call was recorded:



## YEAS—148

Adolph	Egolf	Levdansky	Rubley
Allen	Evans, D.	Lewis	Ruffing
Argall	Evans, J.	Mackereth	Sainato
Armstrong	Fabrizio	Maher	Samuelson
Baker	Fairchild	Maitland	Santoni
Baldwin	Feese	Major	Sather
Bard	Fichter	Mann	Saylor
Barrar	Fleagle	Markosek	Scavello
Bastian	Flick	Marsico	Schroder
Belfanti	Forcier	McGeehan	Semmel
Benninghoff	Frankel	McGill	Shaner
Biancucci	Gabig	McIlhatten	Smith, B.
Birmelin	Gannon	McNaughton	Smith, S. H.
Bishop	Geist	Melio	Solobay
Boyd	Gergely	Metcalfe	Stairs
Browne	Gillespie	Micozzie	Steil
Bunt	Gingrich	Millard	Stern
Butkovitz	Good	Miller, R.	Stevenson, R.
Buxton	Gruitza	Miller, S.	Stevenson, T.
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Harhai	Nickol	Taylor, J.
Casorio	Harhart	O'Brien	Travaglio
Causer	Harper	O'Neill	True
Civera	Harris	Payne	Turzai
Clymer	Hennessey	Petrarca	Vance
Coleman	Herman	Petri	Veon
Cornell, S. E.	Hershey	Phillips	Walko
Corrigan	Hess	Pickett	Watson
Crahalla	Hickernell	Raymond	Weber
Creighton	Hutchinson	Readshaw	Wheatley
Dailey	Keller	Reed	Wilt
Daley	Killion	Reichley	Wojnaroski
Dally	Kotik	Rieger	Wright
DeLuca	LaGrotta	Roebuck	Zug
Denlinger	Laughlin	Rohrer	
Dermody	Lederer	Rooney	Perzel,
DiGirolamo	Leh	Ross	Speaker
Donatucci	Lescovitz		

## NAYS—48

Belardi	Goodman	McIlhinney	Surra
Blaum	Grucela	Mundy	Tangretti
Cawley	Haluska	Myers	Thomas
Cohen	Hanna	Oliver	Tigue
Costa	Hasay	Pallone	Vitali
Cruz	Horsley	Petrone	Wansacz
Curry	James	Pistella	Washington
DeWeese	Josephs	Preston	Waters
Diven	Kirkland	Scrimenti	Williams
Eachus	Leach	Staback	Yewcic
Freeman	Manderino	Stetler	Youngblood
George	McCall	Sturla	Yudichak

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	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—163

Adolph	Evans, D.	Lewis	Ruffing
Allen	Evans, J.	Mackereth	Sainato
Argall	Fabrizio	Maher	Samuelson
Armstrong	Fairchild	Maitland	Santoni
Baker	Feese	Major	Sather
Baldwin	Fichter	Mann	Saylor
Bard	Fleagle	Markosek	Scavello
Barrar	Flick	Marsico	Schroder
Bastian	Forcier	McGeehan	Semmel
Belfanti	Frankel	McGill	Shaner
Benninghoff	Gabig	McIlhatten	Smith, B.
Biancucci	Gannon	McIlhinney	Smith, S. H.
Birmelin	Geist	McNaughton	Solobay
Bishop	Gergely	Metcalfe	Stairs
Boyd	Gillespie	Micozzie	Steil
Browne	Gingrich	Millard	Stern
Bunt	Good	Miller, R.	Stetler
Butkovitz	Goodman	Miller, S.	Stevenson, R.
Buxton	Grucela	Mustio	Stevenson, T.
Caltagirone	Gruitza	Myers	Sturla
Cappelli	Habay	Nickol	Taylor, E. Z.
Casorio	Haluska	O'Brien	Taylor, J.
Causer	Harhai	O'Neill	Travaglio
Civera	Harhart	Pallone	True
Clymer	Harper	Payne	Turzai
Coleman	Harris	Petrarca	Vance
Cornell, S. E.	Hennessey	Petri	Walko
Corrigan	Herman	Phillips	Waters
Costa	Hershey	Pickett	Watson
Crahalla	Hess	Pistella	Weber
Creighton	Hickernell	Preston	Wheatley
Cruz	Hutchinson	Raymond	Williams
Dailey	Keller	Readshaw	Wilt
Daley	Killion	Reed	Wojnaroski
Dally	Kotik	Reichley	Wright
DeLuca	LaGrotta	Rieger	Yewcic
Denlinger	Laughlin	Roebuck	Youngblood
Dermody	Lederer	Rohrer	Zug
DiGirolamo	Leh	Rooney	
Diven	Lescovitz	Ross	Perzel,
Donatucci	Levdansky	Rubley	Speaker
Egolf			

## NAYS—33

Belardi	Hanna	McCall	Tangretti
Blaum	Hasay	Melio	Thomas
Cawley	Horsley	Mundy	Tigue
Cohen	James	Oliver	Veon
Curry	Josephs	Petrone	Vitali
DeWeese	Kirkland	Scrimenti	Wansacz
Eachus	Leach	Staback	Washington
Freeman	Manderino	Surra	Yudichak
George			

## NOT VOTING—0

## EXCUSED—6

Bebko-Jones	Kenney	Nailor	Roberts
Godshall	Lynch		

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

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

### **ANNOUNCEMENT BY SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair would like to inform the members that we are going to recess until 1 o'clock. We are awaiting several amendments. Listen to your speakers in your offices, unless you would rather wait right here until 1 o'clock, which is your choice.

### **RECESS**

The SPEAKER pro tempore. We will stand in recess until 1 o'clock, or sooner if called by the Speaker.

### **AFTER RECESS**

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

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

### **BILLS SIGNED BY SPEAKER**

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

#### **HB 176, PN 4784**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for alternate imposition and for credits; further providing, in personal income tax, for definitions; providing, in personal income tax, for operational provisions relating to contributions of refunds by checkoff; further providing, in realty transfer tax, for determination and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; further providing, in research and development tax credit, for definitions, for carryover, carryback, refund and assignment of credit and for Pennsylvania S corporation shareholder pass-through; further providing, in film production tax credit, for the definitions of "film," "Pennsylvania production expense" and "production expense"; providing, in film production tax credit, for the definition of "start date"; further providing, in film production tax credit, for credit for qualified film production expenses; providing for film production tax credits; further providing, in film production tax credit, for carryover and refund of credits, for limitations on credits; imposing penalties; providing for findings and declarations; and making repeals.

#### **HB 835, PN 4783**

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for genetic identification evidence; recodifying provisions on DNA data and testing; further providing for scope, for policy, for the definitions of "DNA record" and "other specified offense," for required DNA samples and for expungement, and providing for good faith.

#### **HB 1262, PN 4078**

An Act amending Titles 23 (Domestic Relations) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for application for license; establishing a system to create and maintain confidentiality of the addresses of victims of domestic violence, sexual assault and stalking; providing for the powers and duties of the Office of Victim Advocate; providing for application for certificate of title, for perfection of a security interest in a vehicle, for application for registration and for issuance and content of driver's license; and prescribing penalties.

#### **HB 1329, PN 4773**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, amending provisions relating to planned communities.

#### **HB 1330, PN 4774**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

#### **HB 1331, PN 4775**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for condominiums.

#### **HB 1867, PN 2433**

An Act amending the act of April 12, 1842 (P.L.262, No.91), entitled "A supplement to an act, entitled 'An act authorizing the Governor to incorporate the Tioga Navigation Company,' passed the twenty-six day of February, one thousand eight hundred and twenty-six, and for other purposes," repealing provisions relating to fees for measuring grain in Philadelphia.

#### **HB 1868, PN 2434**

An Act amending the act of April 26, 1850 (P.L.618, No.364), entitled "An act to vest in Barbara Griffith and Polly Conrad certain supposed escheated personal estate; to incorporate the Delaware and Schuylkill plank road company; and relative to market stalls in the city of Philadelphia," repealing provisions relating to farmers who lease stalls or stands in Philadelphia to sublet them.

#### **HB 2036, PN 4779**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for mental health care declarations and powers of attorney; further providing for the prudent investor rule; and repealing provisions relating to the applicability of requirements for charitable trusts with controlling interests in certain corporations.

#### **HB 2055, PN 3423**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "soldier."

**HB 2090, PN 4075**

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for rescission of contracts.

**HB 2262, PN 4781**

An Act providing for protection of children from obscene material, child pornography and other material that is harmful to minors on the Internet in public schools and public libraries; and providing for the duties of the Secretary of Education.

**HB 2270, PN 3121**

An Act providing for the development and implementation of pilot projects with the goal of establishing a Statewide system of family support services program for families of persons with disabilities; and providing for the powers and duties of the Department of Public Welfare.

**HB 2326, PN 3247**

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

**HB 2384, PN 4644**

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

**HB 2387, PN 3768**

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of seed; creating a licensing requirement for all seed distributors; adding civil penalty provisions and specifying the appeal process; providing for the powers and duties of the Department of Agriculture; placing revenue into the Agronomic Regulatory Account; prescribing penalties; and making related repeals.

**HB 2482, PN 4769**

An Act establishing the State Railroad Infrastructure Bank and the State Railroad Infrastructure Bank Fund; and providing for the powers and duties of the Department of Transportation.

**HB 2865, PN 4716**

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, providing authorization for alternate amortization schedules to accommodate extraordinary events.

**HB 2980, PN 4689**

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.

**SB 895, PN 1141**

An Act designating a portion of State Route 1040 known as Spur Road in East Cocalico Township, Lancaster County, Pennsylvania, as Colonel George Howard Boulevard.

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

## REPUBLICAN AND DEMOCRATIC CAUCUSES

The SPEAKER. At this time the Chair would like to announce that tomorrow morning there will be an informal caucus at 8 o'clock, a formal caucus at 9 o'clock, and we will be back on the floor at 10 a.m.

I do want to remind the members that there is a parade tomorrow morning, and there are alternate routes to come in. Second Street will be closed, so you will have to be a little vigilant on the way in to the Capitol tomorrow morning. The other option is to just stay here until 10.

## RECESS

The SPEAKER. This House is in recess to the call of the Chair.

## AFTER RECESS

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

## BILLS AND RESOLUTIONS PASSED OVER

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

## ADJOURNMENT

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

Mr. S. SMITH. Mr. Speaker, I move that this House do now adjourn until Saturday, November 20, 2004, at 11:30 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 11:29 a.m., e.s.t., Saturday, November 20, 2004, the House adjourned.