

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MAY 9, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

PRAYER

REV. WARREN D. SICKMAN, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

God of the nations, guide our people by Your spirit to go forward in justice and freedom. Give us what outward prosperity may be Your will, but above all things, give us faith in You that our nation may give glory to Your name and blessings to all people.

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 Wednesday, May 4, 2005, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1534 By Representatives PHILLIPS, BAKER, DeWEESE, HESS, ARGALL, BALDWIN, BEBKO-JONES, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, CIVERA, CLYMER, CRAHALLA, DALLY, FAIRCHILD, FLEAGLE, FREEMAN, GEIST, GEORGE, GERGELY, GOOD, GOODMAN, HARHAI, HARRIS, HASAY, HERMAN, HERSHEY, JAMES, KILLION, LEH, MACKERETH, MAITLAND, MARKOSEK, McILHATTAN, MILLARD, R. MILLER, MUNDY, PICKETT, RUBLEY, SATHER, SAYLOR, SCAVELLO, B. SMITH, STERN, SURRA, E. Z. TAYLOR, WALKO, WANSACZ, WATSON, WILT, YOUNGBLOOD, S. MILLER, J. EVANS, CRUZ, PYLE, STABACK, GINGRICH, LEVDANSKY, ROSS and MAJOR

An Act establishing a task force on Lyme disease and related maladies; and providing for powers and duties of the task force, the Department of Health, the Department of Conservation and Natural Resources and the Pennsylvania Game Commission, for certain antibiotic therapies and for misconduct proceedings.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 5, 2005.

No. 1535 By Representatives BLAUM, DeWEESE, E. Z. TAYLOR, BEBKO-JONES, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, CRUZ, FABRIZIO, GEORGE, GINGRICH, GOOD, GRUCELA, HARHAI, HENNESSEY, JAMES, JOSEPHS, LaGROTTA, LEACH, MANN, MUNDY, PISTELLA, PRESTON, READSHAW, REICHLEY, SCHRODER, SOLOBAY, STABACK, J. TAYLOR, THOMAS, TIGUE, TRUE, WALKO, WHEATLEY and YOUNGBLOOD

An Act providing for dangerous child day-care facilities; and conferring powers and duties on the Department of Public Welfare and law enforcement agencies.

Referred to Committee on CHILDREN AND YOUTH, May 5, 2005.

No. 1536 By Representatives DeLUCA, BEBKO-JONES, BELFANTI, CALTAGIRONE, COSTA, CURRY, FABRIZIO, GERGELY, GOODMAN, GRUCELA, JAMES, JOSEPHS, KENNEY, LaGROTTA, LEDERER, LEVDANSKY, McGEEHAN, MICOZZIE, O'NEILL, PALLONE, PRESTON, PYLE, RAMALEY, SCHRODER, SHANER, STABACK, SURRA, TANGRETTI, THOMAS, TIGUE and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing sanctions on employers who engage in the unlawful employment of aliens.

Referred to Committee on JUDICIARY, May 5, 2005.

No. 1537 By Representatives O'NEILL, ARMSTRONG, CALTAGIRONE, CREIGHTON, DENLINGER, GERGELY, GODSHALL, McILHATTAN, R. MILLER, ROEBUCK, ROHRER, SURRA, E. Z. TAYLOR, TIGUE, WHEATLEY and YOUNGBLOOD

An Act establishing a program for obtaining information from institutions of higher education in a uniform manner to permit statistical comparison; and imposing additional powers and duties on the Department of Education and institutions of higher education.

Referred to Committee on EDUCATION, May 5, 2005.

No. 1538 By Representatives NICKOL, ARMSTRONG, CALTAGIRONE, CIVERA, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, GEIST, GILLESPIE, LEH, MARSICO, MCGILL, PHILLIPS, SATHER, SCAVELLO, SIPTROTH, E. Z. TAYLOR, TIGUE, WILT and YUDICHAK

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, requiring the Commonwealth to withhold local taxes on wages.

Referred to Committee on FINANCE, May 9, 2005.

No. 1539 By Representatives NICKOL, CALTAGIRONE, CREIGHTON, DENLINGER, GEIST, GILLESPIE, HARRIS, JAMES, STERN, E. Z. TAYLOR and THOMAS

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

Referred to Committee on FINANCE, May 9, 2005.

No. 1540 By Representatives STEIL, ARGALL, BARRAR, BOYD, CALTAGIRONE, CLYMER, CRAHALLA, FABRIZIO, FREEMAN, GINGRICH, HENNESSEY, HERMAN, HERSHEY, LEACH, LEH, MANDERINO, S. MILLER, O'NEILL, PRESTON, PYLE, ROHRER, RUBLEY, SAINATO, SAYLOR, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR, TIGUE and YOUNGBLOOD

An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for definitions, remedies and enforcement.

Referred to Committee on STATE GOVERNMENT, May 9, 2005.

No. 1541 By Representatives STEIL, BOYD, CLYMER, GINGRICH, GOODMAN, HARRIS, HENNESSEY, HERSHEY, M. KELLER, LEH, MCGILL, R. MILLER, NAILOR, PYLE, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, SCHRODER and E. Z. TAYLOR

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, further providing for unfair practices by employee organizations, their agents or representatives and public employees.

Referred to Committee on LABOR RELATIONS, May 9, 2005.

No. 1542 By Representatives CAWLEY, DONATUCCI, LEDERER, PISTELLA, LaGROTTA, CALTAGIRONE, KOTIK, GEIST, SCAVELLO, WANSACZ and SURRA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting tobacco possession and use by minors.

Referred to Committee on JUDICIARY, May 9, 2005.

No. 1543 By Representatives CAWLEY, TIGUE, DONATUCCI, LEDERER, PISTELLA, W. KELLER, CALTAGIRONE, BELARDI, STABACK, GEIST, SCAVELLO and WANSACZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Referred to Committee on TRANSPORTATION, May 9, 2005.

No. 1544 By Representatives CAWLEY, LaGROTTA, CALTAGIRONE and KOTIK

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, requiring health insurers to cover positron emissions tomography scans.

Referred to Committee on INSURANCE, May 9, 2005.

No. 1545 By Representatives CAWLEY, CALTAGIRONE, YUDICHAK, CURRY, GABIG, DALLY and SCAVELLO

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for contributions for health care.

Referred to Committee on STATE GOVERNMENT, May 9, 2005.

No. 1546 By Representatives CALTAGIRONE, BIANCUCCI, CAWLEY, DALEY, HARRIS, PRESTON, ROBERTS, SCAVELLO and YOUNGBLOOD

An Act imposing a tax upon residents and nonresidents; creating the School Property and Nuisance Tax Relief Fund; and imposing a limitation upon the collection of certain taxes by school districts.

Referred to Committee on FINANCE, May 9, 2005.

No. 1547 By Representatives WATSON, KENNEY, NICKOL, CORNELL, CRAHALLA, GINGRICH, BALDWIN, CALTAGIRONE, CREIGHTON, CURRY, DENLINGER, GEIST, HENNESSEY, HERMAN, JAMES, LEDERER, McILHATTAN, O'NEILL, RUBLEY, SEMMEL, TIGUE and YOUNGBLOOD

An Act providing additional oversight of health care facilities; establishing the Health Care Policy Board and the State Health Facility and Services Hearing Board; providing for the development of annual State Health Service Plans; and making repeals.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 9, 2005.

No. 1548 By Representatives TURZAI, HUTCHINSON, REED, ELLIS, BOYD, PICKETT, ARMSTRONG and SAYLOR

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

Referred to Committee on LABOR RELATIONS, May 9, 2005.

No. 1549 By Representatives TURZAI, REED, HUTCHINSON, ELLIS, BOYD, PICKETT, ARMSTRONG and SAYLOR

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

Referred to Committee on LABOR RELATIONS, May 9, 2005.

No. 1550 By Representatives YUDICHAK, BLAUM, BELARDI, BELFANTI, CASORIO, BOYD, CALTAGIRONE, CAWLEY, COSTA, CURRY, DALLY, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERGELY, GOODMAN, JAMES, JOSEPHS, LEACH, MANDERINO, MANN, MUNDY, O'NEILL, PETRARCA, PETRONE, PISTELLA, READSHAW, ROBERTS, SHANER, SOLOBAY, STABACK, STURLA, TANGRETTI, J. TAYLOR, TIGUE, WALKO, WHEATLEY, WOJNAROSKI, YOUNGBLOOD, HARPER, WANSACZ and GRUCELA

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Office of Consumer Advocate for Insurance as an independent office within the Office of Attorney General and prescribing its powers and duties; and establishing the Consumer Advocate for Insurance Fund.

Referred to Committee on INSURANCE, May 9, 2005.

No. 1551 By Representatives W. KELLER, BELFANTI, CALTAGIRONE, CAWLEY, DENLINGER, FABRIZIO, JAMES, JOSEPHS, KILLION, KOTIK, MANDERINO, NICKOL, PISTELLA, PRESTON, ROBERTS, ROEBUCK and THOMAS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining, in corporate net income tax and corporate stock and franchise tax, "corporation."

Referred to Committee on FINANCE, May 9, 2005.

No. 1552 By Representatives ADOLPH, BARRAR, MICOZZIE, ALLEN, ARMSTRONG, BAKER, BALDWIN, BEBKO-JONES, BELARDI, BELFANTI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, CRUZ, DeLUCA, DENLINGER, DeWEESE, FICHTER, FLEAGLE, GEIST, GEORGE, GOODMAN, GRUCELA, HARHAI, HENNESSEY, HERSHEY, HESS, JAMES, KOTIK, LEDERER, MANN, McILHATTAN, S. MILLER, O'NEILL, PAYNE, PHILLIPS, PISTELLA, PRESTON, PYLE, RAPP, READSHAW, REICHLEY, SAINATO, SAYLOR, SEMMEL, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, SURRA, E. Z. TAYLOR, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and ZUG

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star and Bronze Star.

Referred to Committee on TRANSPORTATION, May 9, 2005.

No. 1553 By Representatives REICHLEY, MUSTIO, STABACK, CALTAGIRONE, BOYD, CIVERA, CRAHALLA, DALLY, GINGRICH, HERSHEY, JAMES, M. KELLER, MCGILL, PETRONE, ROBERTS, SCHRODER, SHANER, E. Z. TAYLOR and YOUNGBLOOD

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

Referred to Committee on LOCAL GOVERNMENT, May 9, 2005.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 297 By Representatives PISTELLA, GEIST, DeWEESE, BALDWIN, BELARDI, CALTAGIRONE, CURRY, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, JAMES, JOSEPHS, KOTIK, LEACH, LEVDANSKY, MANDERINO, MARKOSEK, PALLONE, RAMALEY, RAYMOND, READSHAW, ROEBUCK, ROSS, SHANER, B. SMITH, STABACK, TIGUE, WANSACZ, YOUNGBLOOD and McCALL

A Resolution memorializing the Congress of the United States to take action to preserve and enhance Federal support for the operations of Amtrak's Northeast Corridor passenger rail service.

Referred to Committee on TRANSPORTATION, May 5, 2005.

No. 299 By Representatives DALEY, CLYMER, JOSEPHS, BISHOP, HUTCHINSON, HALUSKA, HICKERNELL, BLACKWELL, FABRIZIO, GABIG, SHAPIRO, GINGRICH, METCALFE, WATSON, YOUNGBLOOD, VITALI, RAPP, SATHER, REED, PRESTON, CASORIO, SHANER, PYLE, TRUE, BELFANTI, EACHUS, MILLARD, ELLIS, GOODMAN, HENNESSEY, HERSHEY, GOOD, LESCOVITZ, STERN, DALLY, HARHAI, REICHLEY, T. STEVENSON and CAUSER

A Resolution directing the Legislative Budget and Finance Committee to perform a study of early retirement proposals.

Referred to Committee on FINANCE, May 9, 2005.

SENATE BILL FOR CONCURRENCE

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

SB 607, PN 766

Referred to Committee on APPROPRIATIONS, May 5, 2005.

BILLS REMOVED FROM TABLE

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

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

- HB 100;
- HB 176;
- HB 377;
- HB 737;
- HB 797;
- HB 965;
- HB 1025;
- HB 1312; and
- SB 69.

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

BILLS ON SECOND CONSIDERATION

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

- HB 100, PN 237; HB 176, PN 1586; HB 377, PN 1492;**
- HB 737, PN 828; HB 797, PN 1863; HB 965, PN 1100;**
- HB 1025, PN 1612; HB 1312, PN 1864; and SB 69, PN 650.**

BILLS RECOMMENDED

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

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

- HB 100;
- HB 176;
- HB 377;
- HB 737;
- HB 797;
- HB 965;
- HB 1025;
- HB 1312; and
- SB 69.

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

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of the following actuarial note: HB 740, PN 831.

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

COMMUNICATION FROM DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

The SPEAKER pro tempore. The Speaker acknowledges receipt of the 2003-2004 Annual Financing Strategy Report submitted by the Department of Community and Economic Development, submitted pursuant to Act 12 of 2004.

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

LEAVES OF ABSENCE

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

The Chair recognizes the majority leader, who requests that the gentlelady, Representative TRUE; the gentleman, Representative SCHRODER; and the gentleman, Representative HASAY, be placed on leave of absence for the day; and the gentleman, Representative NAILOR, be placed on leave for the week. Without objection, the leaves are granted.

The Chair recognizes the minority whip for purposes of leaves of absence. The gentleman indicates that the gentleman, Representative STETLER, from York County and Representative PALLONE from Westmoreland be put on leave for today. Without objection, the leaves are granted.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes that the gentlelady from Lancaster County, Representative True, is on the floor, cancels her leave, and asks that her name be added to the master roll call.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—197

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

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|-------------|------------|------------|---------------|
| Boyd | Good | Millard | Steil |
| Bunt | Goodman | Miller, R. | Stern |
| Butkovitz | Grell | Miller, S. | Stevenson, R. |
| Buxton | Grucela | Mundy | Stevenson, T. |
| Caltagirone | Gruitza | Mustio | Sturla |
| Cappelli | Habay | Myers | Surra |
| Casorio | Haluska | Nickol | Tangretti |
| Causser | Hanna | O'Brien | Taylor, E. Z. |
| Cawley | Harhai | Oliver | Taylor, J. |
| Civera | Harhart | O'Neill | Thomas |
| Clymer | Harper | Payne | Tigue |
| Cohen | Harris | Petrarca | True |
| Cornell | Hennessey | Petri | Turzai |
| Corrigan | Herman | Petrone | Veon |
| Costa | Hershey | Phillips | Vitali |
| Crahalla | Hess | Pickett | Walko |
| Creighton | Hickernell | Pistella | Wansacz |
| Cruz | Hutchinson | Preston | Washington |
| Curry | James | Pyle | Waters |
| Daley | Josephs | Quigley | Watson |
| Dally | Kauffman | Ramaley | Wheatley |
| DeLuca | Keller, M. | Rapp | Williams |
| Denlinger | Keller, W. | Raymond | Wilt |
| Dermody | Kenny | Readshaw | Wojnaroski |
| DeWeese | Killion | Reed | Wright |
| DiGirolamo | Kirkland | Reichley | Yewcic |
| Diven | Kotik | Rieger | Youngblood |
| Donatucci | LaGrotta | Roberts | Yudichak |
| Eachus | Leach | Roebuck | Zug |
| Ellis | Lederer | Rohrer | |
| Evans, D. | Leh | Rooney | |
| Evans, J. | Lescovitz | Ross | Perzel, |
| Fabrizio | Levdansky | Rubley | Speaker |

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

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| Hasay | Pallone | Schroder | Stetler |
| Nailor | | | |

LEAVES ADDED—5

| | | | |
|-----------|-------|--------|---------|
| Butkovitz | James | Rieger | Roebuck |
| Godshall | | | |

LEAVES CANCELED—2

| | |
|---------|----------|
| Pallone | Schroder |
|---------|----------|

BILL REPORTED AND REREFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

HB 46, PN 48 By Rep. SEMMEL

An Act establishing a first responder building mapping system for buildings of State agencies and political subdivisions; and providing for the powers and duties of the Pennsylvania Emergency Management Agency.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

BILL REPORTED AND REREFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES

HB 1489, PN 1806 By Rep. HERMAN

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, expanding the list of public places wherein smoking is prohibited; further providing for smoking in restaurants and in the workplace; and providing penalties.

LOCAL GOVERNMENT.

BILL REPORTED AND REREFERRED TO COMMITTEE ON LABOR RELATIONS

HB 1507, PN 1841 By Rep. HERMAN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; and providing for applicability.

LOCAL GOVERNMENT.

RESOLUTION REPORTED FROM COMMITTEE

SR 44, PN 626 By Rep. SEMMEL

A Concurrent Resolution urging the Federal and State Government to take every action necessary to protect existing military bases in the Commonwealth of Pennsylvania and to aggressively seek to expand the Commonwealth of Pennsylvania's military presence in the Federal Base Realignment and Closure (BRAC) process.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to recognize on the floor the gentlelady, the mother of one of our Representatives, Paul Costa, Louise Costa, seated to my left. Welcome to the House of Representatives. Please give a round of applause. We trust you had a wonderful Mother's Day.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Michael Ryan Giovannangelo, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Michael Ryan Giovannangelo.

Whereas, Michael Ryan Giovannangelo earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 5.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Michael Ryan Giovannangelo.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. RUBLEY called up HR 184, PN 1287, entitled:

A Resolution designating the week of May 28 through June 5, 2005, as "Pennsylvania Hiking Week."

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-2

Gruitza Maher

EXCUSED-5

Hasay Pallone Schroder Stetler
Nailor

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

* * *

Mr. HARHAI called up HR 229, PN 1503, entitled:

A Resolution designating the week of May 15, 2005, as "Arteriovenous Malformation Awareness Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

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|-----------|-----------|---------|----------|
| Donatucci | LaGrotta | Roebuck | Yudichak |
| Eachus | Leach | Rohrer | Zug |
| Ellis | Lederer | Rooney | |
| Evans, D. | Leh | Ross | |
| Evans, J. | Lescovitz | Rubley | Perzel, |
| Fabrizio | Levdansky | | Speaker |

NAYS-0

NOT VOTING-1

Maher

EXCUSED-5

| | | | |
|--------|---------|----------|---------|
| Hasay | Pallone | Schroder | Stetler |
| Nailor | | | |

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

* * *

Mr. HARHAI called up **HR 252, PN 1645**, entitled:

A Resolution designating May 15, 2005, as "Major General Jessica L. Wright Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

| | | | |
|--------|---------|----------|---------|
| Hasay | Pallone | Schroder | Stetler |
| Nailor | | | |

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

* * *

Mr. GOOD called up **HR 273, PN 1766**, entitled:

A Resolution designating the month of June 2005 as "Manufacturing Month" in Pennsylvania in proud celebration of the Manufacturers' Association of Northwest Pennsylvania's 100th anniversary.

On the question,
Will the House adopt the resolution?

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority leader, who puts the gentleman, Representative GODSHALL, on leave.

CONSIDERATION OF HR 273 CONTINUED

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

The following roll call was recorded:

YEAS-195

| | | | |
|-------------|-----------|-----------|-----------|
| Adolph | Fairchild | Mackereth | Ruffing |
| Allen | Feese | Maitland | Sainato |
| Argall | Fichter | Major | Samuelson |
| Armstrong | Fleagle | Manderino | Santoni |
| Baker | Flick | Mann | Sather |
| Baldwin | Forcier | Markosek | Saylor |
| Barrar | Frankel | Marsico | Scavello |
| Bastian | Freeman | McCall | Semmel |
| Bebko-Jones | Gabig | McGeehan | Shaner |
| Belardi | Gannon | McGill | Shapiro |

| | | | |
|-------------|------------|------------|---------------|
| Belfanti | Geist | McIlhattan | Siptroth |
| Benninghoff | George | McIlhinney | Smith, B. |
| Biancucci | Gerber | McNaughton | Smith, S. H. |
| Birmelin | Gergely | Melio | Solobay |
| Bishop | Gillespie | Metcalfe | Sonney |
| Blackwell | Gingrich | Micozzie | Staback |
| Blaum | Good | Millard | Stairs |
| Boyd | Goodman | Miller, R. | Steil |
| Bunt | Grell | Miller, S. | Stern |
| Butkovitz | Grucela | Mundy | Stevenson, R. |
| Buxton | Gruitza | Mustio | Stevenson, T. |
| Caltagirone | Habay | Myers | Sturla |
| Cappelli | Haluska | Nickol | Surra |
| Casorio | Hanna | O'Brien | Tangretti |
| Causer | Harhai | Oliver | Taylor, E. Z. |
| Cawley | Harhart | O'Neill | Taylor, J. |
| Civera | Harper | Payne | Thomas |
| Clymer | Harris | Petrarca | Tigue |
| Cohen | Hennessey | Petri | True |
| Cornell | Herman | Petrone | Turzai |
| Corrigan | Hershey | Phillips | Veon |
| Costa | Hess | Pickett | Vitali |
| Crahalla | Hickernell | Pistella | Walko |
| Creighton | Hutchinson | Preston | Wansacz |
| Cruz | James | Pyle | Washington |
| Curry | Josephs | Quigley | Waters |
| Daley | Kauffman | Ramaley | Watson |
| Dally | Keller, M. | Rapp | Wheatley |
| DeLuca | Keller, W. | Raymond | Williams |
| Denlinger | Kenney | Readshaw | Wilt |
| Dermody | Killion | Reed | Wojnaroski |
| DeWeese | Kirkland | Reichley | Wright |
| DiGirolamo | Kotik | Rieger | Yewcic |
| Diven | LaGrotta | Roberts | Youngblood |
| Donatucci | Leach | Roebuck | Yudichak |
| Eachus | Lederer | Rohrer | Zug |
| Ellis | Leh | Rooney | |
| Evans, D. | Lescovitz | Ross | Perzel, |
| Evans, J. | Levdansky | Rubley | Speaker |
| Fabrizio | | | |

NAYS-0

NOT VOTING-1

Maher

EXCUSED-6

| | | | |
|----------|---------|----------|---------|
| Godshall | Nailor | Schroder | Stetler |
| Hasay | Pallone | | |

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

* * *

Mr. GERGELY called up **HR 280, PN 1773**, entitled:

A Resolution designating May 20, 2005, as "NASCAR Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

| | | | |
|----------|---------|----------|---------|
| Godshall | Nailor | Schroder | Stetler |
| Hasay | Pallone | | |

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

* * *

Mr. REICHLLEY called up **HR 292, PN 1874**, entitled:

A Resolution recognizing the Pennsylvania Association of School Retirees.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|----------|---------|----------|---------|
| Godshall | Nailor | Schroder | Stetler |
| Hasay | Pallone | | |

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

* * *

Mr. WALKO called up **HR 293, PN 1875**, entitled:

A Resolution congratulating the Borough of West View, Allegheny County, on the 100th anniversary of its founding.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|----------|---------|----------|---------|
| Godshall | Nailor | Schroder | Stetler |
| Hasay | Pallone | | |

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

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. FAIRCHILD called up **HR 296, PN 1886**, entitled:

A Resolution supporting efforts to direct the United States Secretary of the Interior to study the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fairchild | Mackereth | Ruffing |
| Allen | Feese | Maitland | Sainato |
| Argall | Fichter | Major | Samuelson |
| Armstrong | Fleagle | Manderino | Santoni |
| Baker | Flick | Mann | Sather |
| Baldwin | Forcier | Markosek | Saylor |
| Barrar | Frankel | Marsico | Scavello |
| Bastian | Freeman | McCall | Semmel |
| Bebko-Jones | Gabig | McGeehan | Shaner |
| Belardi | Gannon | McGill | Shapiro |
| Belfanti | Geist | McIlhattan | Siptroth |
| Benninghoff | George | McIlhinney | Smith, B. |
| Bianucci | Gerber | McNaughton | Smith, S. H. |
| Birmelin | Gergely | Melio | Solobay |
| Bishop | Gillespie | Metcalfe | Sonney |
| Blackwell | Gingrich | Micozzie | Staback |
| Blaum | Good | Millard | Stairs |
| Boyd | Goodman | Miller, R. | Steil |
| Bunt | Grell | Miller, S. | Stern |
| Butkovitz | Grucela | Mundy | Stevenson, R. |
| Buxton | Gruitza | Mustio | Stevenson, T. |
| Caltagirone | Habay | Myers | Sturla |
| Cappelli | Haluska | Nickol | Surra |
| Casorio | Hanna | O'Brien | Tangretti |
| Causser | Harhai | Oliver | Taylor, E. Z. |
| Cawley | Harhart | O'Neill | Taylor, J. |
| Civera | Harper | Payne | Thomas |
| Clymer | Harris | Petrarca | Tigue |
| Cohen | Hennessey | Petri | True |
| Cornell | Herman | Petrone | Turzai |
| Corrigan | Hershey | Phillips | Veon |
| Costa | Hess | Pickett | Vitali |
| Crahalla | Hickernell | Pistella | Walko |
| Creighton | Hutchinson | Preston | Wansacz |
| Cruz | James | Pyle | Washington |
| Curry | Josephs | Quigley | Waters |
| Daley | Kauffman | Ramaley | Watson |
| Dally | Keller, M. | Rapp | Wheatley |
| DeLuca | Keller, W. | Raymond | Williams |
| Denlinger | Kenny | Readshaw | Wilt |
| Dermody | Killion | Reed | Wojnaroski |
| DeWeese | Kirkland | Reichley | Wright |
| DiGirolamo | Kotik | Rieger | Yewcic |

| | | | |
|-----------|-----------|---------|------------|
| Diven | LaGrotta | Roberts | Youngblood |
| Donatucci | Leach | Roebuck | Yudichak |
| Eachus | Lederer | Rohrer | Zug |
| Ellis | Leh | Rooney | |
| Evans, D. | Lescovitz | Ross | Perzel, |
| Evans, J. | Levdansky | Rubley | Speaker |
| Fabrizio | | | |

NAYS—0

NOT VOTING—1

Maher

EXCUSED—6

| | | | |
|----------|---------|----------|---------|
| Godshall | Nailor | Schroder | Stetler |
| Hasay | Pallone | | |

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

* * *

Mr. McGEEHAN called up **HR 298, PN 1888**, entitled:

A Resolution recognizing the 60th anniversary of Victory in Europe (V-E) Day on May 8, 2005.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On the resolution, the Chair recognizes the gentleman, Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, it is my high honor and great privilege to offer this resolution commemorating the 60th anniversary of Victory in Europe Day.

Mr. Speaker, the resolution celebrates the Allied forces complete victory over Nazi Germany on May 8, 1945, and salutes the men and women who made victory a reality, and, Mr. Speaker, I am particularly pleased that we have about 50 of those men and women who are joining us here today.

As you know, it would be another 3 full months before total victory would be declared with Victory over Japan Day. Victory in Europe Day, however, marked the beginning of the end of the Second World War.

World War II was a struggle that left no land, sea, or peoples untouched. The appalling death and destruction that was wreaked staggers the mind even today. No war, no disease, no epidemic, no natural calamity in all of human history can compare to the misery, the chaos, and carnage of that worldwide battle.

A cursory look at the statistics demonstrates this point all too graphically. Mr. Speaker, a total of more than 407,000 American service men and women died. Nearly 672,000 were wounded. Among those killed, Mr. Speaker, 26,534 were fellow Pennsylvanians. As shocking as these figures are, the worldwide toll is impossible to fathom in its gruesomeness. Nearly 44 million military and civilians were killed; 26 million were wounded, maimed, or injured. With such devastation, it is not

surprising that the ghosts of World War II still haunt much of the world even after these long 60 years.

To many today, World War II is a distant event, a chapter in a history book, only to be remembered or commemorated on milestone years such as this. For all that has been written about World War II, much remains unknown and undocumented. The most noted figures of that time have long since passed. Churchill and Roosevelt, de Gaulle and Eisenhower, Montgomery, MacArthur, and Marshall belong to history now. Some even question whether greatness even exists today.

Mr. Speaker, to those who say greatness is found only in the past, we need look no further than the rear of this chamber to see that giants do indeed still walk among us. Because, you see, these men and women just did not serve at home or abroad; they just did not defend our country; they just did not place themselves in harm's way; they just did not fight a determined and dangerous foe. Mr. Speaker, they did nothing less than save the world. They liberated a Europe held at gunpoint by the cult of fanatical Nazism, they set free an Asia cowed and beaten by a warmongering imperialism, and in country after country, one by one, they shed the light of freedom on the dark shadow of perverted science.

Mr. Speaker, to these veterans, the 60 years since V-E Day has turned their golden hair gray, one or two springs may be missing from their step, but to this grateful country, they will always be heroes. They will forever be the dashing young pilots of the newsreels, the bandanna-wearing Rosie the Riveter, the muddy war-weary soldier, the boys who hit the beaches, the convoy truck driver, the mess cook, the ambulance driver, the code breaker, the desk sergeant, the soldier, the sailor, the airman, the marine, the coastguardsman, and merchant marine.

Mr. Speaker, with your permission, I would like to break precedent in this House. As a sign of our deepest respect and great affection for these brave men and women, I would like to ask our guests to remain seated while we stand and demonstrate the appreciation and thanks of this great Commonwealth to the finest examples of America's "Greatest Generation."

GUESTS INTRODUCED

Mr. McGEEHAN. Mr. Speaker, to your left sit four veterans who represent the four branches of the military who fought in World War II. Like most of their generation, they do not boast or brag; they do not seek special favors or attention. They did their duty, they returned home to their families, and they got on with their lives.

Mr. Speaker, meet Marie Cush. She is a Navy Wave. She is Specialist Q. She was stationed in Washington, DC. She was a code breaker, and she is the current president of the Keystone WAVES (women accepted for volunteer emergency service). Marie, welcome to the House.

Mr. Speaker, meet Jack Kilkenny, the Marine Corps, Sergeant, 5th Marine Division. He served from 1943 to 1946, the Asian Pacific Theater and in Iwo Jima. He landed in the 6th assault wave; was part of the Japanese occupation of Nagasaki; won seven medals, including the Presidential Unit Citation with a Bronze Star. He is a committee member of the 60th Anniversary of Iwo Jima Convention to be held in Philadelphia. Mr. Speaker, Marine Corps Jack Kilkenny.

Mr. Speaker, I would like you to meet Andrew Nix, stationed in the U.S. Army. He is part of the famous "22 21" Black Troops. He served in the European Theater, part of the

Normandy invasion. He helped Patton spearhead the drive to the Rhine. He was originally with the Service Corps in trucking support, but the Army ran out of infantry replacements at the Battle of the Bulge. This country turned to Black troops for volunteers – 4500 volunteered and 2200 were accepted. It was the first integration of combat troops in the history of the United States military. Shamefully, he was discharged as a service troop. Mr. Speaker, it took the administration of President Clinton to rectify that wrong, and Mr. Nix finally received the combat discharge and appropriate medals at the Pentagon. Andrew Nix, representing the United States Army.

And, Mr. Speaker, representing the Army Air Corps, my dear friend, Lou Sisco. He was a technical sergeant. He served in the European Theater in Germany, in France, in Italy, in the Balkans. He served 50 missions. He was shot down three times. He crashed off the coast of Yugoslavia. Of the 10 crew members, only 7 survived. They paddled ashore in a rubber boat and were rescued by Tito partisans. They were hidden in barns and cellars and on the run for 3 1/2 weeks. He has been a proud member for 60 years and the former commander of the Tacony American Legion Memorial Post. Mr. Speaker, technical sergeant representing the Army Air Corps, Lou Sisco.

Mr. Speaker, I want to thank you and the members for their indulgence. A special thanks, of course, to our guests for honoring us with their presence. We salute the 16 million men and women who served our country in uniform during World War II. We mourn for those many who have since passed and will forever remember those who never returned.

Mr. Speaker, I urge unanimous consent on this resolution.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair would like to thank all of you who have come to visit with us. We need to remember all the sacrifices you made for us, for our children, and for our grandchildren. We thank you very much.

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

The following roll call was recorded:

YEAS—196

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Fairchild | Maher | Ruffing |
| Allen | Feese | Maitland | Sainato |
| Argall | Fichter | Major | Samuelson |
| Armstrong | Fleagle | Manderino | Santoni |
| Baker | Flick | Mann | Sather |
| Baldwin | Forcier | Markosek | Saylor |
| Barrar | Frankel | Marsico | Scavello |
| Bastian | Freeman | McCall | Semmel |
| Bebko-Jones | Gabig | McGeehan | Shaner |
| Belardi | Gannon | McGill | Shapiro |
| Belfanti | Geist | McIlhattan | Siptroth |
| Benninghoff | George | McIlhinney | Smith, B. |
| Biancucci | Gerber | McNaughton | Smith, S. H. |
| Birmelin | Gergely | Melio | Solobay |
| Bishop | Gillespie | Metcalfe | Sonney |
| Blackwell | Gingrich | Micozzie | Staback |
| Blaum | Good | Millard | Stairs |
| Boyd | Goodman | Miller, R. | Steil |
| Bunt | Grell | Miller, S. | Stern |
| Butkovitz | Grucela | Mundy | Stevenson, R. |
| Buxton | Gruitza | Mustio | Stevenson, T. |
| Caltagirone | Habay | Myers | Sturla |
| Cappelli | Haluska | Nickol | Surra |
| Casorio | Hanna | O'Brien | Tangretti |
| Causar | Harhai | Oliver | Taylor, E. Z. |

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

NAYS-0

NOT VOTING-0

EXCUSED-6

| | | | |
|----------|---------|----------|---------|
| Godshall | Nailor | Schroder | Stetler |
| Hasay | Pallone | | |

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

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

**PENNSYLVANIA STATE TROOPERS
ASSOCIATION PRESENTED**

The SPEAKER. The Chair at this time recognizes Representative Kotik for the purposes of a citation and recognition at this time.

Mr. KOTIK. Thank you, Mr. Speaker.

Mr. Speaker, it is fitting and proper that I rise to pay tribute to the members of the Pennsylvania State Troopers Association on this very solemn occasion.

Together with their brethren at every level of government, these dedicated individuals protect our loved ones and communities from those who do not share our respect for law and order and the freedoms guaranteed by our Constitution. A few moments ago we paid tribute to those who gave their lives for the freedoms we cherish so dearly.

For over 100 years the Pennsylvania State Troopers Association has ably served our Commonwealth with the utmost integrity and devotion. Together with my colleagues in this great House, I wish to present this portrait signifying a historical moment that reminds us of the storied traditions of this great law enforcement agency.

My dear friend, Mr. Jim Levendosky, spent many hours researching the archives of the State Police to develop a theme he could capture on canvas and has done his job very well. Freedom is signified by the American eagle, the flag of our Commonwealth as the defender of basic American liberties, and the trooper ever vigilant in defense of public safety.

At this time I would like to call upon my colleague, Representative Ron Marsico, to help me unveil this portrait and to present it to Mr. Bruce Edwards of the Pennsylvania State Troopers Association and accept this memento of our appreciation from this House.

Thank you, Mr. Speaker.

Mr. EDWARDS. On behalf of all the members of the Pennsylvania State Troopers Association, I would like to thank this body for all the support and help that you have given us over the years and I know you will continue to give us. All we ask is for that support from you so that we can do our job protecting you and the citizens of this great Commonwealth.

Thank you very much.

The SPEAKER. We have a large number of distinguished guests, which the clerk will read at this time.

The following list was read:

- Sgt. Bruce Edwards, President of Pennsylvania State Troopers Association;
- Sgt. Steve Heitz, Pennsylvania State Police Academy;
- Cpl. Dave Martin, Pennsylvania State Police Academy;
- Cpl. Randy Yohe, Pennsylvania State Police, DuBois, Jefferson County;
- Cpl. Erin J. Magee, Pennsylvania State Police, Avondale;
- Trooper Kevin L. Lindemuth, Pennsylvania State Police, DuBois, Jefferson County;
- Trooper Thomas E. Barton, Pennsylvania State Police, Lancaster County/Chester County;
- Trooper Michael R. Rugh, Pennsylvania State Police, Carlisle;
- Trooper Robert M. Klein, Pennsylvania State Police, Pittsburgh;
- Trooper Joseph Christy, Pennsylvania State Police, Washington;
- Trooper Robert Copechal, Pennsylvania State Police, Washington;
- Sgt. Joseph Gaughan, Pennsylvania State Police, Gibson;
- Trooper Michael Morrissey, Pennsylvania State Police, Dunmore (retired);
- Trooper Paul Bickelman, Pennsylvania State Police, Dunmore (retired);
- Trooper Nicholas A. Genova, Pennsylvania State Police, Dunmore (retired);
- Cpl. James Seamon, Pennsylvania State Police, Dunmore;
- Trooper Michael Carroll, Pennsylvania State Police, Honesdale;
- Trooper Kenneth Fuchylo, Pennsylvania State Police, Blooming Grove;
- Trooper Joe Kovel, Pennsylvania State Police, Bedford;
- Trooper David McGarvey, Pennsylvania State Police, Hollidaysburg;
- Cpl. Mike Friedenberger, Pennsylvania State Police, Bedford;
- Cpl. John Elliott, Pennsylvania State Police, Bedford;
- Trooper Andrea M. Weichman, Pennsylvania State Police, Swiftwater;
- Trooper Joseph Racho, Pennsylvania State Police, Hazleton;
- Trooper Michael Zapach, Pennsylvania State Police, Hazleton;

Cpl. Dennis Rodrigues, Troop K, Philadelphia;
 Cpl. Fran Winkeler, Troop K, Philadelphia;
 Trooper Robert Kirby, Troop K, Media;
 Cpl. Ronald Zona, Troop A, Greensburg;
 Trooper Michael Young, Troop A, Greensburg;
 Trooper Raymond Gamrat, Troop T, New Stanton;
 Trooper Joseph Duboskey, Troop F, Milton;
 Trooper Scott Henninger, Troop F, Milton;
 Trooper Al Green, Troop F, Lamar;
 Trooper David Gecelosky, Troop L, Reading;
 Trooper Holly Reber, Troop J, Embreeville;
 Trooper Rudolph Schoning, Troop L, Reading;
 Cpl. Douglas Bendetti, Troop L, Reading;
 Cpl. Manuel Deleon, Troop T, Bowmansville;
 Cpl. Thomas Carr, Forensic Services; and
 Sean Welby, Esq., Consul to Pennsylvania State Troopers
 Association.

The SPEAKER. The Chair would like to thank Representative McGeehan for the very fitting tribute to our service people in World War II, but it is also important that we remember the men and women who put their lives on the line day to day for our safety and for our families.

We honored seven fallen police officers out back just a few moments ago. So I would like to personally thank the members of the State Police who put their lives on the line and all the other police officers in Pennsylvania. Thank you.

Are there any announcements?

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien.

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

The meeting of the House Judiciary Committee originally scheduled for tomorrow at 10 a.m. is going to take place at the call of the recess in room 39, East Wing.

The SPEAKER. The Chair thanks the gentleman.

There will be a Judiciary meeting at the call of the recess in room 39, East Wing.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. The Chair apologizes. I did not have my glasses on. Representative Allen.

Mr. ALLEN. Mr. Speaker, thank you.

Mr. O'Brien, I think he is about 100 pounds lighter than I am. So you better get those glasses adjusted.

Mr. Speaker, the Labor Relations Committee will meet on Wednesday at the final recess in room 205. The meeting was originally to be held on Tuesday morning at 10 a.m. We will be meeting in 205 in the Ryan Office Building.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a Labor Relations meeting in room 205 on Wednesday at the final recess.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

There will be a very short meeting of the Intergovernmental Affairs Committee in the rear of the House at the call of the recess today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be an Intergovernmental Affairs meeting at the final recess.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess, there will be an immediate meeting of the House Appropriations Committee in the conference room. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations meeting immediately at the call of the recess.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of the recess, there will be an immediate Republican caucus. And those that are going to the other meetings, as soon as you finish, please come to the caucus. It is a very important one.

The SPEAKER. The Chair thanks the gentelady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess, there will be a Democratic caucus.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. PAYNE

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

Mr. PAYNE. Point of personal privilege.

The SPEAKER. The gentleman will state his point.

Mr. PAYNE. Thank you, Mr. Speaker.

I would like to thank the members of the House on behalf of the Motor Sport Caucus for our positive vote on HR No. 280. I have been informed that, in fact, we may be the first legislative body in the United States to take such action. Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and notes a leave-of-absence request from the minority leader for the gentleman from Philadelphia, Mr. BUTKOVITZ. Without objection, that leave will be granted for the rest of the day.

RECESS

The SPEAKER. This House is in recess until 3:30 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(CRAIG A. DALLY) PRESIDING**

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the presence of Representative Pallone on the House floor. He will be added to the master roll call.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the minority whip, requesting leave for the remainder of today's session for the gentlemen from Philadelphia, Representative RIEGER and Representative ROEBUCK.

BILLS REREPORTED FROM COMMITTEE

HB 30, PN 33 By Rep. FEESE

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the payment of compensation to widows, widowers and children.

APPROPRIATIONS.

HB 89, PN 1407 By Rep. FEESE

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

APPROPRIATIONS.

HB 107, PN 1493 By Rep. FEESE

An Act authorizing the establishment and maintenance of health savings accounts; providing an exclusion from State income tax; and imposing restrictions on health savings accounts.

APPROPRIATIONS.

HB 236, PN 1577

By Rep. FEESE

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for legislative intent, for definitions and for proposed regulations and procedure for review.

APPROPRIATIONS.

HB 353, PN 1408

By Rep. FEESE

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

APPROPRIATIONS.

HB 515, PN 1911 (Amended)

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the apportionment of business income for corporate net income tax purposes.

APPROPRIATIONS.

HB 650, PN 1458

By Rep. FEESE

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 corporate net income tax, for the definition of "taxable income."

APPROPRIATIONS.

HB 734, PN 825

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a small business health savings account tax credit.

APPROPRIATIONS.

HB 797, PN 1863

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for imposition of the corporate net income tax.

APPROPRIATIONS.

HB 856, PN 979

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful acts concerning licenses.

APPROPRIATIONS.

HB 859, PN 982

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the alternate imposition of the use tax.

APPROPRIATIONS.

HB 887, PN 1638

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

APPROPRIATIONS.

HB 894, PN 1912 (Amended)

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for program of continuing professional development.

APPROPRIATIONS.

HB 1076, PN 1639

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license and fee exemptions and for license costs and fees.

APPROPRIATIONS.

HB 1312, PN 1864

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing in capital stock franchise tax, for imposition of tax and for expiration.

APPROPRIATIONS.

HB 1488, PN 1831

By Rep. FEESE

An Act requiring information relating to parenting and prenatal depression, postpartum depression, postpartum psychosis and other emotional trauma counseling to be provided to a pregnant woman; and providing for the powers and duties of the Department of Health.

APPROPRIATIONS.

SB 69, PN 650

By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for employer immunity from liability for disclosure of information regarding former or current employees.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 746, PN 1913 (Amended)

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of luring a child into a motor vehicle or structure.

JUDICIARY.

HB 1055, PN 1914 (Amended)

By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for court-appointed child custody health care practitioners.

JUDICIARY.

HB 1113, PN 1915 (Amended)

By Rep. O'BRIEN

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

JUDICIARY.

HB 1365, PN 1916 (Amended)

By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for foreign decree of adoption.

JUDICIARY.

HB 1400, PN 1688

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for indecent assault.

JUDICIARY.

HB 1504, PN 1838

By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for free license fees for former prisoners of war.

GAME AND FISHERIES.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON
CHILDREN AND YOUTH**

HB 511, PN 549

By Rep. O'BRIEN

An Act providing for certain rights of foster children.

JUDICIARY.

CALENDAR CONTINUED**RESOLUTION**

Mr. ARGALL called up **HR 75, PN 1617**, entitled:

A Concurrent Resolution establishing a bipartisan and intergovernmental commission consisting of representatives of public and private sectors to make recommendations that will provide guidance for administrative and legislative changes to improve the economic competitiveness of this Commonwealth's cities, boroughs and rural communities.

On the question,
Will the House adopt the resolution?

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

Mr. HENNESSEY. I have an amendment that was properly filed, I believe, for this resolution, A01022.

The SPEAKER pro tempore. The gentleman is correct.

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

Mr. HENNESSEY offered the following amendment No. A01022:

Amend Third Resolve Clause, page 3, lines 9 through 13, by striking out all of said lines and inserting

(1) Five members to be appointed by the Governor: three members who are locally elected officials, one representing the Pennsylvania State Association of Boroughs, one representing the Pennsylvania State Association of Township Supervisors and one representing the Pennsylvania League of Cities and Municipalities - each taken from lists of three nominees submitted to the Governor by the associations and league; one member from the Pennsylvania Economic Development Association; and one member

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

The SPEAKER pro tempore. And on that question, the Chair recognizes the gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

HR 75 would establish a bipartisan committee to study economic competitiveness of Pennsylvania cities, boroughs, and rural communities. Amendment 1022, an agreed-upon amendment, would assure that of the Governor's five appointees to that commission, one would be selected from a list submitted by the Pennsylvania Association of Township Supervisors, one from a list submitted by the Association of Boroughs, and a third from a list submitted by the Pennsylvania League of Cities and Municipalities, along with two other representatives, one to represent the Economic Development Association and one to represent a statewide nonprofit organization.

I would ask for the members' approval of the amendment.

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

The following roll call was recorded:

YEAS—194

| | | | |
|-------------|-----------|-----------|-----------|
| Adolph | Fairchild | Mackereth | Ruffing |
| Allen | Feese | Maher | Sainato |
| Argall | Fichter | Maitland | Samuelson |
| Armstrong | Fleagle | Major | Santoni |
| Baker | Flick | Manderino | Sather |
| Baldwin | Forcier | Mann | Saylor |
| Barrar | Frankel | Markosek | Scavello |
| Bastian | Freeman | Marsico | Semmel |
| Bebko-Jones | Gabig | McCall | Shaner |
| Belardi | Gannon | McGeehan | Shapiro |
| Belfanti | Geist | McGill | Siptroth |

| | | | |
|-------------|------------|------------|---------------|
| Benninghoff | George | McIlhattan | Smith, B. |
| Biancucci | Gerber | McIlhinney | Smith, S. H. |
| Birmelin | Gergely | McNaughton | Solobay |
| Bishop | Gillespie | Melio | Sonney |
| Blackwell | Gingrich | Metcalfe | Staback |
| Blaum | Good | Micozzie | Stairs |
| Boyd | Goodman | Millard | Steil |
| Bunt | Grell | Miller, R. | Stern |
| Buxton | Grucela | Miller, S. | Stevenson, R. |
| Caltagirone | Gruitza | Mundy | Stevenson, T. |
| Cappelli | Habay | Mustio | Sturla |
| Casorio | Haluska | Myers | Surra |
| Causer | Hanna | Nickol | Tangretti |
| Cawley | Harhai | O'Brien | Taylor, E. Z. |
| Civera | Harhart | Oliver | Taylor, J. |
| Clymer | Harper | O'Neill | Thomas |
| Cohen | Harris | Pallone | Tigue |
| Cornell | Hennessey | Payne | True |
| Corrigan | Herman | Petrarca | Turzai |
| Costa | Hershey | Petri | Veon |
| Crahalla | Hess | Petrone | Vitali |
| Creighton | Hickernell | Phillips | Walko |
| Cruz | Hutchinson | Pickett | Wansacz |
| Curry | James | Pistella | Washington |
| Daley | Josephs | Preston | Waters |
| Dally | Kauffman | Pyle | Watson |
| DeLuca | Keller, M. | Quigley | Wheatley |
| Denlinger | Keller, W. | Ramaley | Williams |
| Dermody | Kenney | Rapp | Wilt |
| DeWeese | Killion | Raymond | Wojnaroski |
| DiGirolamo | Kirkland | Readshaw | Wright |
| Diven | Kotik | Reed | Yewcic |
| Donatucci | LaGrotta | Reichley | Youngblood |
| Eachus | Leach | Roberts | Yudichak |
| Ellis | Lederer | Rohrer | Zug |
| Evans, D. | Leh | Rooney | |
| Evans, J. | Lescovitz | Ross | Perzel, |
| Fabrizio | Levdansky | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|-----------|--------|---------|----------|
| Butkovitz | Hasay | Rieger | Schroder |
| Godshall | Nailor | Roebuck | Stetler |

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 adopt the resolution as amended?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the board.

The Chair recognizes the gentlelady, Mrs. Miller.
Mrs. MILLER. Thank you, Mr. Speaker.

Is it possible to please interrogate the prime sponsor of this resolution?

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You may proceed.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, in your resolution, you allude to the fact that some of the concern in the Commonwealth of Pennsylvania is

the loss of prime farmland to development pressures, and yet when I see the list of those that will be serving on this committee, I do not see the Secretary of the Department of Agriculture listed as one of those that will have input into this commission's report. And since agriculture is our leading industry in Pennsylvania, would it be possible, Mr. Speaker, or do you somehow have a way of accommodating the agricultural industry in allowing them to have input in the decisions of this commission?

Mr. ARGALL. I would be willing to take a look at the resolution and consider a possible amendment in the Senate. That is one that, quite honestly, in the months that we have been working on this, no one has suggested that previously. And I know we have included several members of the Cabinet on an ex officio level. That might be appropriate.

Mrs. MILLER. Thank you, Mr. Speaker.

And I will appreciate the efforts of the prime sponsor and will be willing to work with him if he needs any assistance. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady. The House returns to the question.

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

The following roll call was recorded:

YEAS—193

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fairchild | Mackereth | Sainato |
| Allen | Feese | Maher | Samuelson |
| Argall | Fichter | Maitland | Santoni |
| Armstrong | Fleagle | Major | Sather |
| Baker | Flick | Manderino | Saylor |
| Baldwin | Forcier | Mann | Scavello |
| Barrar | Frankel | Markosek | Semmel |
| Bastian | Freeman | Marsico | Shaner |
| Bebko-Jones | Gabig | McCall | Shapiro |
| Belardi | Gannon | McGeehan | Siptroth |
| Belfanti | Geist | McGill | Smith, B. |
| Benninghoff | George | McIlhatten | Smith, S. H. |
| Biancucci | Gerber | McIlhinney | Solobay |
| Birmelin | Gergely | McNaughton | Sonney |
| Bishop | Gillespie | Melio | Staback |
| Blackwell | Gingrich | Metcalfe | Stairs |
| Blaum | Good | Micozzie | Steil |
| Boyd | Goodman | Millard | Stern |
| Bunt | Grell | Miller, R. | Stevenson, R. |
| Buxton | Grucela | Miller, S. | Stevenson, T. |
| Caltagirone | Gruitza | Mundy | Sturla |
| Cappelli | Habay | Mustio | Surra |
| Casorio | Haluska | Myers | Tangretti |
| Causar | Hanna | Nickol | Taylor, E. Z. |
| Cawley | Harhai | O'Brien | Taylor, J. |
| Civera | Harhart | Oliver | Thomas |
| Clymer | Harper | Pallone | Tigue |
| Cohen | Harris | Payne | True |
| Cornell | Hennessey | Petrarca | Turzai |
| Corrigan | Herman | Petri | Veon |
| Costa | Hershey | Petrone | Vitali |
| Crahalla | Hess | Phillips | Walko |
| Creighton | Hickernell | Pickett | Wansacz |
| Cruz | Hutchinson | Pistella | Washington |
| Curry | James | Preston | Waters |
| Daley | Josephs | Pyle | Watson |
| Dally | Kauffman | Quigley | Wheatley |
| DeLuca | Keller, M. | Ramaley | Williams |
| Denlinger | Keller, W. | Rapp | Wilt |
| Dermody | Kenney | Raymond | Wojnaroski |
| DeWeese | Killion | Readshaw | Wright |

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

NAYS—0

NOT VOTING—1

O'Neill

EXCUSED—8

| | | | |
|-----------|--------|---------|----------|
| Butkovitz | Hasay | Rieger | Schroder |
| Godshall | Nailor | Roebuck | Stetler |

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 353, PN 1408**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

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—194

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

| | | | |
|-------------|------------|------------|---------------|
| Blaum | Good | Micozzie | Stairs |
| Boyd | Goodman | Millard | Steil |
| Bunt | Grell | Miller, R. | Stern |
| Buxton | Grucela | Miller, S. | Stevenson, R. |
| Caltagirone | Gruitza | Mundy | Stevenson, T. |
| Cappelli | Habay | Mustio | Sturla |
| Casorio | Haluska | Myers | Surra |
| Causer | Hanna | Nickol | Tangretti |
| Cawley | Harhai | O'Brien | Taylor, E. Z. |
| Civera | Harhart | Oliver | Taylor, J. |
| Clymer | Harper | O'Neill | Thomas |
| Cohen | Harris | Pallone | Tigue |
| Cornell | Hennessey | Payne | True |
| Corrigan | Herman | Petrarca | Turzai |
| Costa | Hershey | Petri | Veon |
| Crahalla | Hess | Petrone | Vitali |
| Creighton | Hickernell | Phillips | Walko |
| Cruz | Hutchinson | Pickett | Wansacz |
| Curry | James | Pistella | Washington |
| Daley | Josephs | Preston | Waters |
| Dally | Kauffman | Pyle | Watson |
| DeLuca | Keller, M. | Quigley | Wheatley |
| Denlinger | Keller, W. | Ramaley | Williams |
| Dermody | Kenney | Rapp | Wilt |
| DeWeese | Killion | Raymond | Wojnaroski |
| DiGirolamo | Kirkland | Readshaw | Wright |
| Diven | Kotik | Reed | Yewcic |
| Donatucci | LaGrotta | Reichley | Youngblood |
| Eachus | Leach | Roberts | Yudichak |
| Ellis | Lederer | Rohrer | Zug |
| Evans, D. | Leh | Rooney | |
| Evans, J. | Lescovitz | Ross | Perzel, |
| Fabrizio | Levdansky | Rubley | Speaker |

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-----------|--------|---------|----------|
| Butkovitz | Hasay | Rieger | Schroder |
| Godshall | Nailor | Roebuck | Stetler |

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

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

* * *

The House proceeded to third consideration of **HB 856, PN 979**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful acts concerning licenses.

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?

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the presence on the floor of Mr. Schroder. He will be added to the master roll call.

CONSIDERATION OF HB 856 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

* * *

The House proceeded to third consideration of **HB 1076, PN 1639**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license and fee exemptions and for license costs and fees.

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-195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

* * *

The House proceeded to third consideration of **HB 887, PN 1638**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

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

RULES SUSPENDED

The SPEAKER pro tempore. On that question, the Chair recognizes the gentlelady, Ms. Pickett.

Ms. PICKETT. Mr. Speaker, I would like to suspend the rules to offer amendment 963.

The SPEAKER pro tempore. The gentlelady, Ms. Pickett, has moved to suspend the House rules to allow for immediate consideration of amendment 963.

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

The following roll call was recorded:

YEAS-195

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

| | | | |
|-------------|------------|------------|---------------|
| Baldwin | Frankel | Markosek | Scavello |
| Barrar | Freeman | Marsico | Schroder |
| Bastian | Gabig | McCall | Semmel |
| Bebko-Jones | Gannon | McGeehan | Shaner |
| Belardi | Geist | McGill | Shapiro |
| Belfanti | George | McIlhattan | Siptroth |
| Benninghoff | Gerber | McIlhinney | Smith, B. |
| Biancucci | Gergely | McNaughton | Smith, S. H. |
| Birmelin | Gillespie | Melio | Solobay |
| Bishop | Gingrich | Metcalfe | Sonney |
| Blackwell | Good | Micozzie | Staback |
| Blaum | Goodman | Millard | Stairs |
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Cappelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causer | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |
| Fairchild | | | |

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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. **PICKETT** offered the following amendment No. **A00963**:

Amend Sec. 1, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 2706 of Title 34 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

Amend Sec. 1 (Sec. 2706), page 2, lines 6 through 24, by striking out all of said lines and inserting

(b.1) Prisoners of war.—A former prisoner of war shall be entitled to purchase a resident hunting license at the cost of \$1 upon application to the commission. An application under this subsection shall contain the same information as is required for other resident hunting license applications. As used in this subsection, the term “former prisoner of war” means an individual who was imprisoned by enemy forces while in the service of the armed forces of the United States as certified by the appropriate branch of the armed forces of the United States.

* * *

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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—195

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Feese | Maher | Sainato |
| Allen | Fichter | Maitland | Samuelson |
| Argall | Fleagle | Major | Santoni |
| Armstrong | Flick | Manderino | Sather |
| Baker | Forcier | Mann | Saylor |
| Baldwin | Frankel | Markosek | Scavello |
| Barrar | Freeman | Marsico | Schroder |
| Bastian | Gabig | McCall | Semmel |
| Bebko-Jones | Gannon | McGeehan | Shaner |
| Belardi | Geist | McGill | Shapiro |
| Belfanti | George | McIlhattan | Siptroth |
| Benninghoff | Gerber | McIlhinney | Smith, B. |
| Bianucci | Gergely | McNaughton | Smith, S. H. |
| Birmelin | Gillespie | Melio | Solobay |
| Bishop | Gingrich | Metcalfe | Sonney |
| Blackwell | Good | Micozzie | Staback |
| Blaum | Goodman | Millard | Stairs |
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Cappelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causar | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kennedy | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGiroloamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

* * *

The House proceeded to third consideration of **HB 107, PN 1493**, entitled:

An Act authorizing the establishment and maintenance of health savings accounts; providing an exclusion from State income tax; and imposing restrictions on health savings accounts.

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

Mr. **NICKOL** offered the following amendment No. **A00909**:

Amend Sec. 4, page 2, line 29, by striking out "General rule" and inserting

Health savings account

Amend Sec. 4, page 3, by inserting between lines 15 and 16

(c) Individual or group health insurance policy.—Any payment by a person to purchase an individual health insurance policy, and any payment by a person to secure coverage under a group health insurance policy for the person, a spouse or a dependent shall be excluded from taxation under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 107 is over temporarily.

* * *

The House proceeded to third consideration of **HB 650, PN 1458**, 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 corporate net income tax, for the definition of "taxable income."

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

The SPEAKER pro tempore. The gentleman, Mr. Frankel, offers the following amendment, which the clerk will read.

It is the Chair's understanding that the gentlemen, Mr. Frankel and Mr. Tangretti, have withdrawn their amendments. And Representative Yudichak?

The Chair thanks the gentlemen.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 650 is also over temporarily.

The House proceeded to third consideration of **HB 734, PN 825**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a small business health savings account tax credit.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Yudichak. Mr. Yudichak?

Are you withdrawing your amendment on this bill? The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. That bill is also over temporarily.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 761, PN 1992 (Amended) By Rep. FAIRCHILD

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of invasion of privacy; and providing for actions involving products or services used to invade privacy.

INTERGOVERNMENTAL AFFAIRS.

BILL REPORTED AND REREFERRED TO COMMITTEE ON LABOR RELATIONS

HB 1377, PN 1665 By Rep. FAIRCHILD

An Act amending the act of June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired Pressure Vessel Law, further providing for interpretation.

INTERGOVERNMENTAL AFFAIRS.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 859, PN 982**, 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 for the alternate imposition of the use tax.

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

The SPEAKER pro tempore. The gentleman, Mr. Yudichak, offers the following amendment— The gentleman is withdrawing the amendment. The Chair thanks the gentleman.

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

The SPEAKER 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. Thank you, Mr. Speaker.
Will the maker of the bill rise for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation.

Mr. VITALI. Thank you, Mr. Speaker.
Could we have a brief explanation of this bill?

Mr. TURZAI. Yes. Demo automobiles for car dealers are presently taxed after 1 year on the fair market value; whereas, for the first year, they are taxed on the fair rental value.

This was included in HB 176 last year that went to the Governor's desk, and the Governor vetoed that bill, not on this issue – in fact, he was in favor on this issue and it has been negotiated with the Department of Revenue – but on the issue of deferred compensation with respect to banks and the taxing on deferred compensation, the timing of the taxation.

This bill is a fairly simple clarification as to how demo cars are to be handled under the tax code and that they should be handled at fair rental value and not fair market value, given the fact that they are not up for sale but they continue to be utilized by the dealership for usage.

Mr. VITALI. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

| | | | |
|-----------|---------|-----------|-----------|
| Adolph | Feese | Maher | Sainato |
| Allen | Fichter | Maitland | Samuelson |
| Argall | Fleagle | Major | Santoni |
| Armstrong | Flick | Manderino | Sather |
| Baker | Forcier | Mann | Saylor |
| Baldwin | Frankel | Markosek | Scavello |

| | | | |
|-------------|------------|------------|---------------|
| Barrar | Freeman | Marsico | Schroder |
| Bastian | Gabig | McCall | Semmel |
| Bebko-Jones | Gannon | McGeehan | Shaner |
| Belardi | Geist | McGill | Shapiro |
| Belfanti | George | McIlhattan | Siptroth |
| Benninghoff | Gerber | McIlhinney | Smith, B. |
| Biancucci | Gergely | McNaughton | Smith, S. H. |
| Birmelin | Gillespie | Melio | Solobay |
| Bishop | Gingrich | Metcalfe | Sonney |
| Blackwell | Good | Micozzie | Staback |
| Blaum | Goodman | Millard | Stairs |
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Cappelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causar | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |
| Fairchild | | | |

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

* * *

The House proceeded to third consideration of **HB 89, PN 1407**, entitled:

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

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

Mr. **STEIL** offered the following amendment No. **A00805**:

Amend Sec. 7, page 8, lines 19 through 30; page 9, lines 1 through 9, by striking out all of said lines on said pages and inserting (b) Hours of employment.—

(1) Except as set forth in paragraph (2), hours of employment shall comply with the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

(2) A minor may not be employed between the hours of 12 midnight and 6 a.m. on a school day. A minor may be employed until 1 a.m. on an evening before a nonschool day and after 5 a.m. if engaged in the delivery or street sale of newspapers.

Amend Sec. 8, page 10, line 21, by striking out “The minor” and inserting

A minor under 16 years of age

Amend Sec. 8, page 11, line 14, by inserting after “minor” under 16 years of age

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

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

Mr. **STEIL**. Thank you, Mr. Speaker.

This legislation is legislation which amends the Child Labor Law in Pennsylvania so that it conforms with Federal Labor Law, and essentially throughout the bill, we have aligned it. There was one section where we did not align it with Federal Labor Law, and that is on the issue of 16- and 17-year-old individuals who are currently limited under State law to working 8 consecutive hours. Under Federal law, current Federal law, there is no limitation.

So what this amendment does is to align that one section of the bill with Federal Labor Law, and what we are doing is, I want each member to be aware of it in their district and to vote their conscience and their district on this issue.

We felt it would be controversial. We felt there might be objection. So that is why we are offering it as an amendment to let the members decide whether or not it is prudent to extend the labor hours for 16- and 17-year-olds to meet Federal standards, which provide for no cap on the amount of consecutive labor hours.

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

On the amendment, the Chair recognizes the gentleman from Northumberland County, Mr. Belfanti.

Mr. **BELFANTI**. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly oppose the Steil amendment. It is not often that a member amends his own bill after it leaves committee, particularly when the bill, when it was in committee, received bipartisan support.

The **AFL-CIO** remains neutral. The **PSEA** (Pennsylvania State Education Association) and **PFT** (Pennsylvania Federation of Teachers), the teachers unions, agreed with the bill, the business community agreed with the bill, the parks and amusement people in the State and the hotel folks agree with the bill, and we agree with the bill.

And the bill as presently written, without this Steil amendment, limits the hours of employment for a minor at least 16 years of age to no more than 48 hours a week and no more than 8 hours in a single day. They may not be employed for more than 28 hours during a regular school week. The minor

may not be employed between midnight and 6 a.m. on a schoolday with the following exceptions: The evenings before a nonschoolday, they can start working at 1 p.m., and they can work after 5 p.m. if they are delivering newspapers.

That already broadened the Child Labor Act that we have been living under in this State, and as I said, even though it extended hours, the bill was agreed to by most of the stakeholders.

Now let me tell you what this amendment would do.

Mr. Speaker, could I have some order because this is really going to be a bit of a controversial vote.

The SPEAKER pro tempore. The gentleman is correct. Can we have some order, please. Thank you.

Mr. BELFANTI. Mr. Speaker, if this amendment, amendment 805, is inserted into the main Steil bill, it removes all guidelines. These guidelines were meant to block and to look out for teenagers and provide time for studying and rest. We do not need teenagers working a full-time job and juggling school. We are actually gambling with their futures.

Without the guidelines, a typical day for a 16-year-old in Pennsylvania could look like this: Wake up at 6 o'clock in the morning, spend 8 hours in school, leave directly from school at 3 o'clock and go to work. And even if you worked only an 8-hour shift, you would not be finished working until 11 o'clock at night. Then you drive home in an exhausted state and are expected to do your homework, then get 5 hours of sleep and get back up at 6 o'clock again, and that is if you only have 1 hour of homework, and do that over and over and over, week after week after week.

Pennsylvania children must be protected from this type of behavior. It is detrimental to their schoolwork. It is detrimental to their health. It is detrimental to their futures.

The Federal guidelines for 16-year-olds, Mr. Steil is correct, there are none. They allow the States to decide that. And this State decided a long time ago to limit the working hours for Pennsylvania students to 44.

I have an amendment that I will offer later, hopefully after this amendment will be defeated, that goes halfway and extends that to 48 hours in a week in the summers except for those students that are in summer school.

Mr. Speaker, I know there are other members who want to speak on this.

Again, I just cannot envision that we will complain about our children's test scores, their SAT (scholastic aptitude testing) scores getting into college, their inability to read and write at levels of other States, and allow a law like this to take place. It is truly a disservice to our students. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Luzerne County, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I really am vehemently opposed to amendment 805. As the father of a 16-year-old, I cannot imagine how we should expect academic performance and an 8-hour work night all week long from children who are 16 and 17 years old in this Commonwealth.

As the gentleman from Northumberland County said, it is clear to all of us why we did a shorter workweek of 44 hours. The Steil amendment allows that to be expanded for juveniles. We do it so that the priority of academic performance in getting a high school education is the highest priority in Pennsylvania.

This extends those hours from 3 o'clock in the afternoon every day of the week, if a child wishes to work that much, until 11 p.m. at night, and it maintains the 10-hour-a-week workweek on the weekends, each day.

I say this is the wrong direction academically for our students who are growing up here in Pennsylvania, and I cannot believe our employer community needs to work 16- and 17-year-olds another 4 hours a week, 8 hours a week total. It does not make any sense to me.

It is illogical, and it goes against every tradition that we put in place here in Pennsylvania with regard to labor law relating to children in Pennsylvania. As a father and as a legislator, I oppose the Steil amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Dauphin County, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Steil amendment. I think the previous two speakers raise the issue of a red herring. It has absolutely nothing to do with academic performance, and it has absolutely nothing to do with extending the workweek, workday, by 8 hours and making it mandatory. That is not what it says in the language. Nowhere does it say that.

Kids today, 16- and 17-year-olds, my 17-year-old daughter, being a good example, leaves school, goes to track practice for 3 hours, leaves track practice, comes home, eats, showers, and goes to work until 9 p.m. That is a standard workday for her. Her academic performance is exemplary, as well as everything else in her life. I am very, very proud of her. So to say that this is going to hurt academic performance, I think, is a red herring.

But the reason I like the Steil amendment is in the summertime you have to make hay while the sun shines. In the building business, which my family owns, a 10-hour workday in the summertime is not unusual; in fact, that is the norm. And if it could be a 12-hour workday, it would be a 12-hour workday.

It is not mandating any more than 8 hours. It is not mandating any more time. It is allowing it to be permitted without violating the law, and I think that is a great idea for those people who work on farms, for those people who are in the building industry, for those people in the amusement industry. For that reason I support the Steil amendment and I ask for its passage. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Well, well, how far we have gone down the tubes. We do not mandate the number of hours that people can work. We just remove the protections that are there for how many hours our children can work.

Now, you talk about a bait and switch, Mr. Speaker. This bill was run in committee with no opposition, and we were informed it was a 4-hour increase per week. Now the bill is on the floor, and lo and behold, out of the blue comes an amendment that will lift all restrictions that we protect our children at work. Is this what we want to do? Is this the moral thing to do in Pennsylvania? Is this what we want to put our children through, to lift those restrictions in Pennsylvania?

This does not just impact on people working for the minimum wage, Mr. Speaker. This is being done mostly for

seasonal workers, who, by the way, are paid one-half of the minimum wage, 2.57 an hour.

Mr. Speaker, I cannot believe we are even considering this. And to say that we are not mandating anything is really disingenuous. When we lift these restrictions, as a condition of employment, many of our children, to keep their job, will be compelled to work very long hours, which will have an impact on their grades, not only how it will impact on their fleeting youth and their time that they can enjoy with their friends and family.

Mr. Speaker, this is a family-value issue. If we are for families and you are for protecting children, we have to vote “no” on the Steil amendment. We must keep protections for our children that work. And I am appalled that we are even considering this, let alone that this has an opportunity that it may pass. I would ask all of you to think about what we are doing and vote “no” on the Steil amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to respond to something that the gentleman from Dauphin County said. He was talking about this does not extend the hours of our young people aged 16 and 17; the bill includes no language of the sort. I would direct him to read the bill. The Steil amendment, if you look on page 8, line 27 and line 28, the current language of the bill says that a child in school can work no more than 28 hours, but the Steil amendment removes that language. So if there is a prohibition that a child can work no more than 28 hours a week during a school week and you remove that language, guess what? A child can work 29, 30, 35 hours a week. Perhaps the test scores are high enough in Dauphin County, but I think we need to focus on education.

Throughout our budget, we often talk that most of our State budget is devoted to education, and we have many efforts to increase student achievement across Pennsylvania. If our students are working more and more, later and later at night – yes, there is a prohibition a student cannot work past midnight; on the weekends a student cannot work past 1 a.m. – but if a student works more than 28 hours a week, if a student works 40 hours a week during the school week, if a student works 48 hours a week during the school week, that definitely has an effect on student achievement, and I think that is the wrong direction for us to head. We ought to complement our efforts to increase student achievement by voting “no” on the Steil amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Luzerne County, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I have the utmost respect for the maker of the amendment. However, I think this is not the time and I do not think this is the amendment to be passed.

We are talking about high school students during the school year. Someone made a good point. One of the previous speakers made a good point about during the summer. And I support allowing young men and women to work when there is not school.

We have to think of more than schoolday and the hour. We expect and we should expect students to have time not only to

study after school but also to do the things that we all did as youths. And many of you, including myself, had jobs while we were in school.

Ironically, the legislature, as a whole, we have continually made it more difficult for these same youngsters, 16 and 17 years old, to get a driver’s license, to get to and from work. They cannot have a driver’s license until they are 16 years and 6 months. We have made more and more restrictions because it has been popular on these same young people that now some people are saying they are mature enough; we can do this. Well, if they are, why do we keep restricting them from allowing them the ease in which to travel to get to work and beyond?

The other thing I am concerned with is the morning hours. A couple of States have changed the hours of starting school, and I think we should look at that. I am appalled during the winter months, especially when it is not daylight, and I drive by a bus stop and I see young persons who are at a bus stop before 7 o’clock in the morning getting ready to go to school. I think we have to take a look at that.

Forgetting about having them getting up early, talk to the educators, talk to the teachers and see about kids, whether they are awake in the morning, whether they are properly prepared. We do not have to start delivering papers earlier. If they do, let them pay people who are adults to do that.

I think we should encourage work, we should encourage the work ethic. This is not the way to do it. What we have to do is we have to be reasonable, and we have to look at this from a standpoint, what are we telling these kids? We are telling them they are irresponsible; they cannot drive; they can only have a junior license; they need all this other stuff. Now we are telling them, you should be able to work as much as you want. Who is going to get them there at the hours that they cannot drive? So it is going to create a burden.

AMENDMENT TABLED

Mr. TIGUE. In lieu of what I said, I would also like to make a motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the motion.

Mr. TIGUE. I think that this is not the time to deal with this amendment, and I make a motion that we table this amendment.

The SPEAKER pro tempore. The gentleman, Mr. Tigie, has made a motion to table amendment 805.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The motion is only debatable by the floor leaders. The majority leader yields to the gentleman, Mr. Steil, and the Chair recognizes the gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I would oppose the motion to table only because I think the issue itself deserves a vote. The issue deserves a vote because we have to decide, do we want this State legislature, we sitting here in Harrisburg, to decide what our children can work, or do we as parents and as school administrators want to make that decision? Do we really need a group of legislators in Harrisburg telling us what our children can work? Whether it is school year or nonschool year, those are decisions that should be made by

the student and by the parents. So I would oppose the motion to table.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. With all due respect to the previous speaker, that is absurd. If the gentleman were to transport himself back in time to the anthracite coal fields 100 years ago, would he, indeed, want the parents and the children, 6-, 7-, 8-, 9-, 10-year-old children, making these same decisions to go into the mines and to work those long hours even though the economic imperatives of the moment might have induced such a wrong-headed familial decision?

The profferer of the amendment is an honorable man, and I believe he and many of his colleagues on the other side of the aisle try to evince that rather shopworn term, at least in the political lexicon anyway, “family values.” Now, family values can mean anything we want it to mean. It is a very pliable, elastic term. But it seems to have been the cornerstone for the gentleman from Armstrong or the gentelady from Chester or a variety of other people. And some of us on our side of the aisle, I am sure we have embraced that terminology also. But it is one thing to just say something about family values at the campaign stop or at the town meeting or on your local cable show up in Erie, but holy mackerel, if I have seen anything that contravened the family values, Mr. Speaker, or anybody else—Family values is still in the bill without this amendment. Without this amendment, which should be tabled – the gentleman, Mr. Tigue, is correct; it should be tabled – without the amendment, the child can still work no more than 48 hours in a week. Number two, Mr. Speaker, the child may still work no more than 8 hours in a single day. Number three, Mr. Speaker, the child may not be employed for more than 28 hours during a regular school week. Number four, Mr. Speaker, the child, the minor, may not be employed between midnight and 6 a.m. on a schoolday – it makes sense to me – with the following exceptions: They can go to 1 a.m. or they can deliver papers somewhere between 5 and 6 a.m.

This is a controversial subject. The gentleman is amending his own bill. The Labor Committee needs to take another look at this, not only for family values, just because of the mechanisms in the legislation do not need amended. And to me, sir, Honorable Speaker of the House, I cannot fathom how anybody that has read the history of the anthracite coal fields in Pennsylvania and the depredations of child labor between 1880 and 1910, 1915, would have any inkling 100 years later to not, to not try to do our best to make these restraints on child labor.

The gentleman from Dauphin a little while ago, one of my favorite colleagues, my social companion of many evenings out, said, if you eliminate the restrictions, so what? We are not mandating. Well, the gentleman should know if you eliminate the speed limit on the turnpike, people are going to go 90 miles an hour. For one of the few times, his logic did not quite connect.

But anyway, anyway, the gentleman, Mr. Steil, can surely do a good job in the committee. This should be tabled. The committee should take another look at it. This is a hot subject, and we should not be voting on it prematurely.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. STEIL. A parliamentary inquiry.

The SPEAKER pro tempore. State your parliamentary inquiry.

Mr. STEIL. The motion is to table the amendment, as I understand it. Thank you.

The SPEAKER pro tempore. That is correct.

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

The following roll call was recorded:

YEAS—138

| | | | |
|-------------|------------|------------|------------|
| Adolph | Evans, J. | Leach | Rubley |
| Argall | Fabrizio | Lederer | Ruffing |
| Armstrong | Fairchild | Lescovitz | Sainato |
| Baker | Fichter | Levdansky | Samuelson |
| Barrar | Flick | Mackereth | Santoni |
| Bebko-Jones | Frankel | Maher | Sather |
| Belardi | Freeman | Manderino | Semmel |
| Belfanti | Gannon | Mann | Shaner |
| Benninghoff | Geist | Markosek | Shapiro |
| Bianucci | George | McCall | Sipthroth |
| Bishop | Gerber | McGeehan | Solobay |
| Blackwell | Gergely | McGill | Staback |
| Blaum | Good | Melio | Stern |
| Bunt | Goodman | Micozzie | Sturla |
| Buxton | Grell | Miller, S. | Surra |
| Caltagirone | Grucela | Mundy | Tangretti |
| Casorio | Gruitza | Mustio | Taylor, J. |
| Cawley | Habay | Myers | Thomas |
| Civera | Haluska | O'Brien | Tigue |
| Cohen | Hanna | Oliver | Veon |
| Cornell | Harhai | Pallone | Vitali |
| Corrigan | Harhart | Petrarca | Walko |
| Costa | Harper | Petrone | Wansacz |
| Cruz | Harris | Phillips | Washington |
| Curry | Hennessey | Pistella | Waters |
| Daley | Herman | Preston | Wheatley |
| Dally | Hess | Quigley | Williams |
| DeLuca | James | Ramaley | Wojnaroski |
| Dermody | Josephs | Raymond | Wright |
| DeWeese | Keller, W. | Readshaw | Yewwic |
| DiGirolo | Kenney | Reed | Youngblood |
| Diven | Killion | Reichley | Yudichak |
| Donatucci | Kirkland | Roberts | |
| Eachus | Kotik | Rooney | Perzel, |
| Evans, D. | LaGrotta | Ross | Speaker |

NAYS—57

| | | | |
|-----------|------------|------------|---------------|
| Allen | Gabig | McNaughton | Schroder |
| Baldwin | Gillespie | Metcalfe | Smith, B. |
| Bastian | Gingrich | Millard | Smith, S. H. |
| Birmelin | Hershey | Miller, R. | Sonney |
| Boyd | Hickernell | Nickol | Stairs |
| Cappelli | Hutchinson | O'Neill | Steil |
| Causar | Kauffman | Payne | Stevenson, R. |
| Clymer | Keller, M. | Petri | Stevenson, T. |
| Crahalla | Leh | Pickett | Taylor, E. Z. |
| Creighton | Maitland | Pyle | True |
| Denlinger | Major | Rapp | Turzai |
| Ellis | Marsico | Rohrer | Watson |
| Feese | McIlhattan | Saylor | Wilt |
| Fleagle | McIlhinney | Scavello | Zug |
| Forcier | | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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?

The SPEAKER pro tempore. Does the gentleman, Mr. Steil, have a further amendment? The gentleman waives off.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Belfanti. Mr. Belfanti, which amendment are you offering?

Mr. BELFANTI. Mr. Speaker, I had three amendments timely filed, but there was a technical difficulty with the one that we intended to offer. So I am asking that we offer amendment 1115, which will require a suspension of the rules. I understand my counterpart, the majority chairman, has agreed to this.

The SPEAKER pro tempore. The gentleman, Mr. Belfanti, moves that the rules be suspended for the immediate consideration of amendment 1115.

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

The SPEAKER pro tempore. That motion is only debatable by the leaders.

The gentleman, the majority leader, indicates he will yield to the gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

Since the chamber has spoken their will on my original amendment, I would support the motion to suspend.

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—195

| | | | |
|-------------|---------|------------|--------------|
| Adolph | Feese | Maher | Sainato |
| Allen | Fichter | Maitland | Samuelson |
| Argall | Fleagle | Major | Santoni |
| Armstrong | Flick | Manderino | Sather |
| Baker | Forcier | Mann | Saylor |
| Baldwin | Frankel | Markosek | Scavello |
| Barrar | Freeman | Marsico | Schroder |
| Bastian | Gabig | McCall | Semmel |
| Bebko-Jones | Gannon | McGeehan | Shaner |
| Belardi | Geist | McGill | Shapiro |
| Belfanti | George | McIlhattan | Siptroth |
| Benninghoff | Gerber | McIlhinney | Smith, B. |
| Bianucci | Gergely | McNaughton | Smith, S. H. |

| | | | |
|-------------|------------|------------|---------------|
| Birmelin | Gillespie | Melio | Solobay |
| Bishop | Gingrich | Metcalfe | Sonney |
| Blackwell | Good | Micozzie | Staback |
| Blaum | Goodman | Millard | Stairs |
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Cappelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causer | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnarowski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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. BELFANTI offered the following amendment No. **A01115**:

Amend Sec. 7, page 8, lines 19 through 30; page 9, lines 1 through 3, by striking out all of said lines on said pages and inserting

(b) Hours of employment.—
(1) Except as set forth in paragraphs (2), (3) and (4), hours of employment shall comply with the Fair Labor Standards Act.

(2) When school is in session, a minor at least 16 years of age shall be limited as follows:

(i) The minor may not be employed for more than 28 hours per week during a regular school week.

(ii) The minor may not be employed for more than eight hours in a single day.

(iii) The minor may not be employed for more than ten hours on each Saturday and Sunday during a school week.

(3) When school is not in session, a minor at least 16 years of age shall be limited as follows:

(i) The minor may not be employed for more than ten hours in a single day.

(ii) The minor may not be employed more than 48 hours in a single week.

(4) A minor enrolled in summer school is subject to the limitations set forth in paragraph (2).

Amend Sec. 7, page 9, line 4, by striking out "(2)" and inserting (5)

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

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, we tried to bring some balance to the legislation. This changes the original Steil bill very modestly and in fact goes in the direction of being probusiness and something that the amusement industry would like for the summer months, and even the gentleman from Dauphin County made mention of a 10-hour workday.

My amendment would simply do this: For minors 16 years or older, they would be able to be employed 28 hours per week during the regular school week, much as the legislation as originally adopted in the Labor Committee and introduced by Mr. Steil. They would still only be allowed to work an 8-hour day in a single day. However, on Saturdays and Sundays this amendment would allow work up to a 10-hour day. When school is not in session, a minor of at least 16 years of age would be limited to the following: They may not be employed for more than 10 hours in a single day – again, addressing the concerns of one of the speakers from the Republican side. The minor would not be employed for more than 48. That is up from 44 hours under present Pennsylvania law. But a minor who is enrolled in summer school would be treated just like a student who was in regular-term school, so they would be limited to 28 hours if they were in a summer school program.

That is the crux of the amendment. Again, it goes a little further than present law but not as far as the amendment we just defeated.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Steil, on the amendment.

Mr. STEIL. Thank you, Mr. Speaker.

I would support this amendment and ask for an affirmative vote and thank Representative Belfanti for offering it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fairchild | Maitland | Sainato |
| Allen | Feese | Major | Samuelson |
| Argall | Fichter | Manderino | Santoni |
| Armstrong | Fleagle | Mann | Sather |
| Baker | Flick | Markosek | Saylor |
| Baldwin | Forcier | Marsico | Scavello |
| Barrar | Frankel | McCall | Schroder |
| Bastian | Gabig | McGeehan | Semmel |
| Bebko-Jones | Gannon | McGill | Shanero |
| Belardi | Geist | McIlhattan | Shapiro |
| Belfanti | George | McIlhinney | Siproth |
| Benninghoff | Gerber | McNaughton | Smith, B. |
| Biancucci | Gergely | Melio | Smith, S. H. |
| Birmelin | Gillespie | Metcalfe | Solobay |
| Bishop | Gingrich | Micozzie | Sonney |
| Blackwell | Good | Millard | Staback |
| Blaum | Goodman | Miller, R. | Stairs |
| Boyd | Grell | Miller, S. | Steil |
| Bunt | Grucela | Mundy | Stern |
| Buxton | Gruitza | Mustio | Stevenson, R. |
| Caltagirone | Habay | Myers | Stevenson, T. |
| Cappelli | Haluska | Nickol | Sturla |
| Casorio | Hanna | O'Brien | Surra |
| Causar | Harhai | Oliver | Tangretti |
| Cawley | Harhart | O'Neill | Taylor, E. Z. |
| Civera | Harper | Pallone | Taylor, J. |
| Clymer | Harris | Payne | Thomas |
| Cohen | Hennessey | Petrarca | True |
| Cornell | Herman | Petri | Turzai |
| Corrigan | Hershey | Petrone | Veon |
| Costa | Hess | Phillips | Vitali |
| Crahalla | Hickernell | Pickett | Walko |
| Creighton | Hutchinson | Pistella | Wansacz |
| Cruz | James | Preston | Washington |
| Curry | Josephs | Pyle | Waters |
| Daley | Kauffman | Quigley | Watson |
| Dally | Keller, M. | Ramaley | Wheatley |
| DeLuca | Keller, W. | Rapp | Williams |
| Denlinger | Kenney | Raymond | Wilt |
| Dermody | Killion | Readshaw | Wojnarowski |
| DeWeese | Kirkland | Reed | Wright |
| DiGirolo | Kotik | Reichley | Yewcic |
| Diven | LaGrotta | Roberts | Youngblood |
| Donatucci | Leach | Rohrer | Yudichak |
| Eachus | Lederer | Rooney | Zug |
| Ellis | Leh | Ross | |
| Evans, D. | Lescovitz | Rublely | |
| Evans, J. | Mackereth | Ruffing | Perzel, |
| Fabrizio | Maher | | Speaker |

NAYS—3

| | | |
|---------|-----------|-------|
| Freeman | Levdansky | Tigue |
|---------|-----------|-------|

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

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

The question is, shall the bill pass finally?

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

Mr. STEIL. I am sorry, Mr. Speaker. There is one other amendment. It is amendment A00916.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds the announcement the bill has been agreed to three different times and returns to the amendment offered by Mr. Steil.

On the question recurring,

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

Mr. STEIL offered the following amendment No. A00916:

Amend Sec. 11, page 21, line 6, by inserting after "physician," physician's assistant or nurse practitioner,

Amend Sec. 11, page 21, line 9, by striking out "physician" and inserting

individual signing the statement

On the question,

Will the House agree to the amendment?

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

Mr. STEIL. Thank you, Mr. Speaker.

This amendment is a simple amendment. It simply expands those who are authorized to perform school physicals in accordance with the current practice of the Department of Education, which includes physicians, physician's assistants, and nurse practitioners. This, as I say, is the current practice under the regulations of the Department of Education.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-195

| | | | |
|-------------|---------|------------|--------------|
| Adolph | Feese | Maher | Sainato |
| Allen | Fichter | Maitland | Samuelson |
| Argall | Fleagle | Major | Santoni |
| Armstrong | Flick | Manderino | Sather |
| Baker | Forcier | Mann | Saylor |
| Baldwin | Frankel | Markosek | Scavello |
| Barrar | Freeman | Marsico | Schroder |
| Bastian | Gabig | McCall | Semmel |
| Bebko-Jones | Gannon | McGeehan | Shaner |
| Belardi | Geist | McGill | Shapiro |
| Belfanti | George | McIlhattan | Siptroth |
| Benninghoff | Gerber | McIlhinney | Smith, B. |
| Bianucci | Gergely | McNaughton | Smith, S. H. |

| | | | |
|-------------|------------|------------|---------------|
| Birmelin | Gillespie | Melio | Solobay |
| Bishop | Gingrich | Metcalfe | Sonney |
| Blackwell | Good | Micozzie | Staback |
| Blaum | Goodman | Millard | Stairs |
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Cappelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causer | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnarowski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |
| Fairchild | | | |

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-195

| | | | |
|--------|---------|----------|-----------|
| Adolph | Feese | Maher | Sainato |
| Allen | Fichter | Maitland | Samuelson |

| | | | |
|-------------|------------|------------|---------------|
| Argall | Fleagle | Major | Santoni |
| Armstrong | Flick | Manderino | Sather |
| Baker | Forcier | Mann | Saylor |
| Baldwin | Frankel | Markosek | Scavello |
| Barrar | Freeman | Marsico | Schroder |
| Bastian | Gabig | McCall | Semmel |
| Bebko-Jones | Gannon | McGeehan | Shaner |
| Belardi | Geist | McGill | Shapiro |
| Belfanti | George | McIlhatten | Siptroth |
| Benninghoff | Gerber | McIlhinney | Smith, B. |
| Bianucci | Gergely | McNaughton | Smith, S. H. |
| Birmelin | Gillespie | Melio | Solobay |
| Bishop | Gingrich | Metcalfe | Sonney |
| Blackwell | Good | Micozzie | Staback |
| Blaum | Goodman | Millard | Stairs |
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Capelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causar | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGirolo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |
| Fairchild | | | |

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

CONSIDERATION OF HB 107 CONTINUED

The SPEAKER pro tempore. The Chair returns for consideration of HB 107, PN 1493. The gentleman, Mr. Nickol, offers the following amendment, which the clerk will read.

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

The clerk read the following amendment No. **A00909**:

Amend Sec. 4, page 2, line 29, by striking out "General rule" and inserting

Health savings account

Amend Sec. 4, page 3, by inserting between lines 15 and 16

(c) Individual or group health insurance policy.—Any payment by a person to purchase an individual health insurance policy, and any payment by a person to secure coverage under a group health insurance policy for the person, a spouse or a dependent shall be excluded from taxation under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

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

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

Mr. NICKOL. Thank you, Mr. Speaker.

I prepared this amendment as a result of the amendment the sponsor of this bill is going to be offering in a moment; that is amendment 1051. The sponsor of the bill is intending that a personal income tax exclusion be granted to contributions into a health savings account. While I personally feel this might constitutionally present problems due to the uniformity clause in our State Constitution, I understand this is an exclusion being pushed by many of the groups who are heavily advocating for HSAs.

What my amendment would do is to try to create a more uniform exemption, because one person's HSA contribution, if it is going to be tax-exempt, I see no reason why the next person's contribution on their own behalf to purchase individual or family health insurance should also not be uniformly treated and also tax-exempt, and that is what this amendment would accomplish.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-195

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

| | | | |
|-------------|------------|------------|---------------|
| Boyd | Grell | Miller, R. | Steil |
| Bunt | Grucela | Miller, S. | Stern |
| Buxton | Gruitza | Mundy | Stevenson, R. |
| Caltagirone | Habay | Mustio | Stevenson, T. |
| Cappelli | Haluska | Myers | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causer | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E. Z. |
| Civera | Harper | O'Neill | Taylor, J. |
| Clymer | Harris | Pallone | Thomas |
| Cohen | Hennessey | Payne | Tigue |
| Cornell | Herman | Petrarca | True |
| Corrigan | Hershey | Petri | Turzai |
| Costa | Hess | Petrone | Veon |
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |
| Fairchild | | | |

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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. Is the gentleman, Mr. Nickol, withdrawing his other amendment? The gentleman indicates in the affirmative.

Thank you.

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

Mr. PAYNE offered the following amendment No. **A01051**:

Amend Title, page 1, line 2, by striking out "an exclusion from State income tax" and inserting
for special tax provisions relating to exclusions from personal income tax

Amend Sec. 3, page 2, by inserting between lines 3 and 4 "Account beneficiary." As defined in section 223(d)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(d)(3)).

Amend Sec. 4, page 2, lines 28 through 30; page 3, lines 1 through 15, by striking out all of said lines on said pages and inserting Section 4. Special tax provisions.

(a) General rule.—The following shall be excluded from taxation under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971:

(1) any contribution to a health savings account by an account beneficiary or the employer of that account beneficiary that conforms to section 223(a) and (b) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(a) and (b));

(2) any income of a health savings account;

(3) any amount paid or distributed out of a health savings account that is used exclusively to pay the qualified medical expenses of the account beneficiary; and

(4) any amount paid or distributed out of a health savings account that is used exclusively to reimburse an account beneficiary for qualified medical expenses.

(b) Taxable distributions.—The following shall be included in the income of the account beneficiary and shall be subject to taxation under Article III of the Tax Reform Code of 1971:

(1) Any amount paid or distributed out of a health savings account that is used for any purpose other than to pay the qualified medical expenses of the account beneficiary.

(2) Any excess contribution distribution that has not previously been included in the account beneficiary's income.

(3) Any amount of the account beneficiary's income attributable to an excess contribution distribution.

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

The following roll call was recorded:

YEAS-195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

Mr. **GEORGE** offered the following amendment No. **A01080**:

- Amend Title, page 1, line 2, by striking out "and"
- Amend Title, page 1, line 3, by removing the period after "accounts" and inserting
; and providing for special tax provisions for disabled and infirm persons.
- Amend Sec. 2, page 1, line 13, by inserting after "223)" and to extend special tax provisions for expenses of disabled and infirm persons established pursuant to section 213 of the Internal Revenue Code of 1986
- Amend Sec. 3, page 2, by inserting between lines 3 and 4 "Disabled and infirm person." A person who qualifies for a Federal income tax deduction under section 213(d)(1)(A) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 213(d)(1)(A)) for expenses relating to medical care.
- Amend Sec. 3, page 2, by inserting between lines 24 and 25 "Medical care." As defined in section 213(d)(1)(A) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 213(d)(1)(A)).
- Amend Sec. 5, page 3, by inserting between lines 27 and 28
(c) Disabled and infirm persons.—Any income for a disabled or infirm person that is used on medical care that would qualify to be a deduction on a Federal income tax under section 213 of the Internal Revenue Code of 1986 and could be paid for from a health savings account shall be excluded from taxation under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. The Department of Revenue shall adopt regulations and issue forms to implement this subsection.

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

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

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would extend the tax deduction that is allowed under Federal law to be applied by the Department of Revenue here in Pennsylvania. If the Federal government has exempted health-care expenses incurred by disabled or infirm people from taxation, the people of Pennsylvania deserve to have the same exclusion from State taxation, and our Constitution insists and allows that this can be done. If an individual has catastrophic needs and medical needs and that is an incurred cost over 7 1/2 percent, we would be less, less than cooperative or understanding if we did not pass something like this, and I urge that we accept this amendment.

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

On the question of the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. **MAHER**. Thank you, Mr. Speaker.

If I might interrogate the maker of the amendment?

The **SPEAKER pro tempore**. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. **MAHER**. Thank you, Mr. Speaker.

When I read this amendment, I am left with a number of questions because there is nothing uniform about how medical expenses are treated for Federal tax purposes. For instance, Mr. Speaker, does your amendment contemplate that only some fraction of expenses that exceed some fraction of income should be allowed as a deduction?

Mr. **GEORGE**. Mr. Speaker, with your knowledge and all of us that understand the uniformity clause, we are simply setting up a class, and we are doing this in a rightful, moral obligation that I believe we have for these people that are not as legitimate or are not as fortunate, I should say, as we are in regard to our medical needs and our medical expenses. So we are setting up an individual class, and I insist that we should do that.

Mr. **MAHER**. I certainly recognize that that would be a worthy endeavor to create such a class.

Mr. Speaker, let me return to my question. If an individual, perhaps by example, if an individual has \$5,000 a year in medical expenses, under Federal law, only the portion of those expenses that exceed a percentage of the individual's income would be deductible even for the purposes of listing on schedule A. Is that what you contemplate?

Mr. **GEORGE**. That is what we are insisting can be done as well in this Commonwealth of Pennsylvania, Mr. Speaker, as with the Federal government, that percentage.

Mr. **MAHER**. And then further, Mr. Speaker, once the items on schedule A are tallied, it is subject to a threshold above which if an individual does not have deductions exceeding that threshold, no deduction is permitted. Is that what you are contemplating here, Mr. Speaker?

Mr. **GEORGE**. We are applying that 7 1/2 percent as well as the Federal government.

Mr. **MAHER**. I am sorry, Mr. Speaker. I was unable to hear.

Mr. **GEORGE**. We are allowing the 7 1/2 percent above or the 7 1/2 percent of the wages is what we are allowing to be deducted. It has to be over 7 1/2 percent of that individual's gross wages.

Mr. MAHER. Thank you, Mr. Speaker.

Now, once you have that amount in excess of 7 1/2 percent, if you are mirroring Federal purposes, it would only be deductions that tally in excess of what is known as a standard deduction. Are you contemplating something like that, Mr. Speaker?

Mr. GEORGE. I hope you would agree, Mr. Speaker, that this amendment applies strictly to the medical code and not to the code that you are talking about. We are allowed to do this in the uniformity clause that we have in Pennsylvania, and all we are doing is dealing with those that are infirm or those that are completely disabled. These are the individuals that we are giving, hopefully, this very much-needed break to.

Mr. MAHER. Well, Mr. Speaker, I guess maybe some clarity would be found in the way that the calculation was done for a fiscal note. Is there a fiscal note available, Mr. Speaker?

Mr. GEORGE. I have requested a fiscal note.

Mr. MAHER. Is there one available, Mr. Speaker?

Mr. GEORGE. Yes, I believe we do have one, if you will bear with us a moment.

Mr. Speaker, we have timely requested this fiscal note.

AMENDMENT TABLED

Mr. MAHER. Mr. Speaker, given the uncertainty that I am hearing with respect to a lot of the responses that really would require a fair amount of detail greater than is provided in the amendment on its face, I would like to move that we table this amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Maher, makes a motion to table amendment 1080.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion to table, the Chair recognizes the majority leader.

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

Mr. Speaker, in listening to the questions and the debate on this matter, I would urge the members to support the motion to table. Clearly the lack of definition relative to infirm and disabled does make this amendment a little bit unwieldy and unpredictable as to what it is actually going to talk to or talking about or whom it would reference.

So given the uncertainty of the language in the amendment and the lack of definition in that regard, I think that it is proper that we would table this amendment at this time.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, defer to the gentleman, Mr. George, on the motion to table?

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. I thank the leader.

Mr. Speaker, it seems that the gentleman is in favor of giving a tax break to someone who buys medical insurance but does not favor helping someone who is down and out to pay the doctor or the medical expenses. It is up to you whether you want to do that, whether you want to help these people or you do not. I certainly would not go on a technicality in that if you look at the constitutional amendment and establish as a class or classes of subjects of taxation the property or privileges of

persons who because of age, disability, infirmity, or poverty are determined to be in need. I could go on and on, but it seems like you want to talk about some of these very cute innuendoes.

If you want to help these people that are down and out, then vote not to table. If you really do not care and you want to take care of the insurance companies, if you do not want to take care of the people that need you, that sent you down here, then vote to table, but I would urge the fellows on this side that want to do the best they can for these people we represent to vote "no" on tabling.

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

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

I would remind the members that the baseline purpose of this bill, the underlying bill, is to help people that are in need. The purpose for tabling this amendment is not to shortchange someone or to ignore some particular subgroup who may have needs of their own; it is not to cut anyone out. It is to keep focused on the primary purpose of this bill. The concern is simply that the amendment is not defined adequately so as to allow this legislation to move forward.

I would urge the members to table the amendment and that we can deal with the primary purpose of this bill.

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—115

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Flick | Major | Roberts |
| Allen | Forcier | Marsico | Rohrer |
| Argall | Gabig | McGill | Ross |
| Armstrong | Gannon | McIlhattan | Rubleby |
| Baker | Geist | McIlhinney | Ruffing |
| Baldwin | Gillespie | McNaughton | Sather |
| Barrar | Gingrich | Metcalfe | Saylor |
| Bastian | Good | Micozzie | Scavello |
| Benninghoff | Grell | Millard | Schroder |
| Birmelin | Habay | Miller, R. | Semmel |
| Bishop | Harhart | Miller, S. | Smith, B. |
| Boyd | Harper | Mustio | Smith, S. H. |
| Bunt | Harris | Myers | Sonney |
| Cappelli | Hennessey | Nickol | Stairs |
| Causar | Herman | O'Brien | Steil |
| Civera | Hershey | Oliver | Stern |
| Clymer | Hess | O'Neill | Stevenson, R. |
| Cornell | Hickernell | Payne | Stevenson, T. |
| Crahalla | Hutchinson | Petri | Taylor, E. Z. |
| Creighton | James | Petrone | Taylor, J. |
| Dally | Kauffman | Phillips | True |
| Denlinger | Keller, M. | Pickett | Turzai |
| DiGirolamo | Kenney | Preston | Watson |
| Diven | Killion | Pyle | Wilt |
| Ellis | Kirkland | Quigley | Wright |
| Evans, J. | Leh | Rapp | Zug |
| Fairchild | Mackereth | Raymond | |
| Feese | Maher | Reed | Perzel, |
| Fichter | Maitland | Reichley | Speaker |
| Fleagle | | | |

NAYS—80

| | | | |
|-------------|-----------|-----------|----------|
| Bebko-Jones | Eachus | Lescovitz | Siptroth |
| Belardi | Evans, D. | Levdansky | Solobay |
| Belfanti | Fabrizio | Manderino | Staback |

| | | | |
|-------------|------------|-----------|------------|
| Biancucci | Frankel | Mann | Sturla |
| Blackwell | Freeman | Markosek | Surra |
| Blaum | George | McCall | Tangretti |
| Buxton | Gerber | McGeehan | Thomas |
| Caltagirone | Gergely | Melio | Tigue |
| Casorio | Goodman | Mundy | Veon |
| Cawley | Grucela | Pallone | Vitali |
| Cohen | Gruitza | Petrarca | Walko |
| Corrigan | Haluska | Pistella | Wansacz |
| Costa | Hanna | Ramaley | Washington |
| Cruz | Harhai | Readshaw | Waters |
| Curry | Josephs | Rooney | Wheatley |
| Daley | Keller, W. | Sainato | Williams |
| DeLuca | Kotik | Samuelson | Wojnaroski |
| Dermody | LaGrotta | Santoni | Yewcic |
| DeWeese | Leach | Shaner | Youngblood |
| Donatucci | Lederer | Shapiro | Yudichak |

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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 as amended?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Eachus, for a motion to suspend the rules.

Mr. EACHUS. Thank you, Mr. Speaker.

This is an agreed-to amendment. I would like to offer amendment A1130. It is a technical amendment which would allow us to comply with Federal law.

On the question,

Will the House agree to the motion?

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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 as amended?

Mr. EACHUS offered the following amendment No. **A01130**:

Amend Sec. 5, page 3, lines 22 through 27, by striking out all of said lines and inserting

(b) Exception.—A health insurance policy that would qualify as a high deductible health plan under section 223(c) of the Internal Revenue Code of 1986, when offered in conjunction with a health savings account, shall not be subject to any provision of law which restricts or limits deductibles or copayments for mandated minimum health insurance benefits or reimbursements except to the extent such provision mandates benefits for preventive care, as determined by the standards set forth by the Internal Revenue Service.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-----------|--------|---------|---------|
| Butkovitz | Hasay | Rieger | Stetler |
| Godshall | Nailor | Roebuck | |

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

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

CONSIDERATION OF HB 650 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. YUDICHAK offered the following amendment No. A01034:

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

Amend Bill, page 3, lines 23 through 25, by striking out all of said lines and inserting

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

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

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

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

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

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

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

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

(6) Remanufacture for wholesale distribution by a remanufacturer of motor vehicle parts from used parts acquired in bulk

by the remanufacturer using an assembly line process which involves the complete disassembly of such parts and integration of the components of such parts with other used or new components of parts, including the salvaging, recycling or reclaiming of used parts by the remanufacturer.

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

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

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

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

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

Section 2. Section 401(3)4(c) of the act, amended June 29, 2002 (P.L.559, No.89), is amended to read:

Amend Sec. 2, page 5, line 5, by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 7, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The gentleman indicates that he is withdrawing the amendment. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will stand for a brief interrogation.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill give a brief explanation?

Mr. TURZAI. Yes.

Pennsylvania has net operating loss carry-forward provisions similar to 47 other States or 46 other States in the United States,

the Federal government. Of those 47 States, only 2 – Pennsylvania and New Hampshire – cap the amount of loss that can be used against future profits. The other 45 States in the United States do not have a cap. Pennsylvania has a cap of \$2 million on the ability to use losses against profits in any future year. This bill would remove the cap of \$2 million on the amount of net operating loss that you can use, and so beginning in 2005-2006 in a prospective manner, that cap would be lifted and you would be able to make use of any loss that you have going forward.

Mr. VITALI. Thank you.

If I may continue, Mr. Speaker?

The SPEAKER pro tempore. You may proceed.

Mr. VITALI. Do you have any idea what the impact this would have on our Commonwealth's tax revenues?

Mr. TURZAI. The fiscal note is for 2005-2006, \$165 million, and the fiscal note for 2006-2007 is \$146 million. There is some debate if it is actually that high. I have heard estimates significantly lower, but that is what the fiscal note says.

Mr. VITALI. Is the maker of the bill aware of any particular companies – I would imagine they would be the larger companies that would benefit by this – but does the maker of the bill have any idea with regard to any companies in particular that would stand to benefit by this?

Mr. TURZAI. There certainly are a number of employers in western Pennsylvania, I know where I am from, amongst, actually, manufacturers and startup companies across the State.

Net operating losses tend to be most important to businesses that are cyclical in nature, like manufacturing and/or to startup businesses, particularly in the area of advanced manufacturing, where, according to the Pittsburgh Technology Council, to show a profit is somewhere between 5 and 7 years. So the importance of net operating losses are for those businesses that are in fact cyclical and those businesses that are startup companies, and areas like southwestern Pennsylvania which have a significant manufacturing base – and we are not alone; I know that much of the State has a significant manufacturing base – this certainly is important.

Keep in mind that the point of the bill is to make Pennsylvania competitive. We are one out of only 2 States out of 47 that have a permanent cap on the use of net operating losses, and it has hurt our manufacturing sector. We have lost 50,000 manufacturing positions over the last 2 years in the State of Pennsylvania, and those are good-paying jobs with good benefits and good wages.

Mr. VITALI. Okay. But my question is, is the maker of the bill aware, as we speak, of any companies in particular, the names of any companies, that would benefit from this bill?

Mr. TURZAI. I am sure there are many employers. I am not going to know all of the employers. You could determine the amount of employers by talking to the Department of Revenue. Manufacturing concerns and cyclical businesses like manufacturing concerns and startups are the types of companies that most benefit from a net operating loss carry-forward. We are uncompetitive with respect to other States. Only 2 out of 47 cap net operating loss carry-forwards.

Mr. VITALI. But my question would be—

Mr. TURZAI. Sir, with all due respect, I do not have any other answer.

Mr. VITALI. Okay. Fair enough; fair enough.

Now, \$150 million or thereabouts is quite a substantial bite in our revenues. Is the maker of the bill aware of how this shortfall might be made up? Is there any plan in place to do that?

Mr. TURZAI. First of all, I believe in a progrowth message. If you want employers to stay here and expand here in the State of Pennsylvania, then you need to reduce the tax burden. In addition, the regulatory and legal environments have to be improved. Workers' compensation, unemployment compensation rates have to be lowered because overhead costs for our employers discourage manufacturers and other businesses from staying and expanding in Pennsylvania. States like Georgia, North Carolina, and Virginia actually have had growth in manufacturing positions while we have had a decrease. You can expand your tax base if you recognize that you can grow the economy by reducing overhead costs for businesses.

Second, with all due respect, I have read and have been told that a number of our work force development programs, running up to \$750 million per year, are not all effective, and we actually have given Representative McIlhatten, had a resolution passed. We have a study that is going on to rank those particular programs. But the fact of the matter is—

Mr. VITALI. And again, I apologize for interrupting, but you seem to be drifting away from my question, which was making up the \$150 million tax loss due to this. Any plan in place to do that? That was really the question.

Mr. TURZAI. With all due respect, I was getting right to the point. The fact of the matter is, if you want real economic development in the State of Pennsylvania, then create a competitive environment. Many of the programs, including those under Labor and Industry and Community and Economic Development, I think dwarf in comparison to what you can do to lower overhead costs for employers telling them you are interested in their concerns, because with real clarity, you cannot have jobs without employers. You cannot have jobs without employers.

Mr. VITALI. Do you know if the administration has taken a position on HB 650?

Mr. TURZAI. I do not, but I do know that out of the Finance Committee, the vote was 25 to 1 in favor of this bill.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, last year Governor Rendell, by Executive order, created a Business Tax Reform Commission, had appointees from the corporate and business community, from the accounting profession, from the legal profession, and the four caucuses of the General Assembly had appointees as well. That Business Tax Reform Commission came back with a voluminous report, after a lot of hearings and a lot of study, and made a number of recommendations relative to improving Pennsylvania's business climate.

One of the recommendations of that bipartisan commission that adopted the report under unanimous vote was that we would uncap the net operating loss carry-forwards, but, but, this bill differs significantly and markedly from that recommendation of that bipartisan commission in this regard:

This bill has a retroactive provision that says that going back to tax years all the way back to 1981, a reach-back provision that says for losses incurred all the way back to 1981, that a business and a company would be able to use those losses to offset their tax obligation to the Commonwealth. The Governor's Business Tax Reform Commission report recommended that prospectively, beginning when the bill becomes law and forward, we would uncap the net operating loss carry-forward, not retroactively. So that is a marked, distinctive, significant difference between what was in the commission recommendations and what is in this bill before us.

As a matter of fact, this bill before us says – you could read it – it says that for tax years 1995 to 1997, someone that owes CNI (corporate net income) can go 10 years forward to offset their tax obligation, and from tax years 1998 and afterwards, they have a full 20 years to write off those net operating loss carry-forwards.

The question is, if the goal, and I heard the comments in the committee meeting that what we are going to try to do by passing this bill is to give business an incentive to invest and to invest in manufacturing, and I am all for that, but making the bill retroactive does not change investment patterns and investment decisionmaking. It does not impact that retroactively. You could only impact that prospectively from going this day forward. So the retroactive provision will do nothing to help spur capital formation. What it is is a costly gift that we cannot afford today to business taxpayers. And I would like to be Santa Claus as much as everybody else would like to be, but in this fiscal year, we do not have \$165 million to play with.

So understand that this bill is not part of the recommendation of the Governor's Business Tax Reform Commission report; that with the reach-back provision, it is more costly and it does nothing to encourage capital investment because it is retroactive rather than prospective, and the fact of the matter is, we cannot afford this. This price tag today of \$165 million, \$166 million, and growing in years from here on out is not something we can afford. The Business Tax Reform Commission report did have a way to pay for including a net operating loss carry-forward, and it is called combined reporting. This bill does not have such a provision to pay for this costly business tax cut.

Mr. Speaker, I am all for capital formation, and coming from the Mon Valley, the heart of industry in southwestern Pennsylvania, I very well understand the importance of good-paying industrial jobs, manufacturing jobs, that pay good wages with salaries and benefits to support families on and retirement benefits as well. I understand that, and I understand the challenges of capital formation and the challenges that basic manufacturing industry in Pennsylvania has today, but this reach-back provision does not change anything relative to capital formation.

And on that basis alone, in addition to the fact that this is costly and onerous and we cannot afford it today, I would urge a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Mr. Speaker, I was just thinking to myself and probably talking to myself, I was thinking to myself and I was talking to myself, because when I started – you know, just play like I am going to have this conversation with myself –

when I was having this conversation with myself, I said, "Self" – I started looking at these numbers, and I was reading the fiscal note to myself – I said that this fiscal note says that if this becomes law on July 1, 2005, the fiscal note says \$165 million, and I said to myself, "Self, I was just in Appropriations today, and I voted for a package of bills that had tax reductions at \$900 million," and as I was thinking to myself as the bills were voted out of committee and I saw this particular bill, I raised my hand in the Appropriations Committee and the chairman recognized me, and I said in the committee, just for the record, I said in the committee, I said, "Mr. Chairman, we just voted on \$900 million in a tax reduction. The Governor made a recommendation of \$400 million in health-care cuts." I started adding that up, and it came to like a billion three. So the Governor's reduction and then the \$900 million out of committee and the \$165 million, which is part of the \$900 million, I started thinking to myself, I started thinking to myself, you know, this is like real happy times. This is like monopoly money. I just started thinking to myself, this is monopoly money because this cannot be real.

A couple members came to me – I will not say it – some of my members came to me and started asking me about this, and I started thinking to myself, what would I tell my members? And do you know what I tell my members? Because it is getting close to funny season 2006, vote, vote, vote what you need to do to protect yourself. That is what I said. You see, I did not try to make a responsible fiscal argument. I did not try to do that. I did not try to say, how do you balance \$1.3 billion? I did not even say that. What I said to the members, I said, look, this is politics – that is what I said – and if you can in good conscience vote for this, then guess what? You should vote for it. If you can in good conscience, if you can in good conscience vote for this, then you should vote for it, but if you cannot vote for it in good conscience because the math just does not add up, then I would also understand that.

But I also understand that we are on PCN (Pennsylvania Cable Network). The public is watching us, people are watching us, and we do not want them to have the wrong image of us. We do not want them to have the image of us that we really are not about the part of giving the money back to them. You know, I always understood this is not our money; this is the public's money. I understand that. I have been clear about that from the beginning. If I have not been clear, I have been clear now with this amendment.

Now, let us talk about the difference between this bill and the Governor. The Governor supports removing the cap. The Governor supports – and my colleague, Representative Dave Levdansky, did a very good job – the Governor supports prospective but he just does not support retroactive. That is the difference. So you are not really different than the Governor. The Governor towards the future agrees with you, but the Governor, you have got to remember something, you know, he has got to manage the State. So he has to stand up before people, and he has to really balance a budget. We in this room, we in this room sometimes forget what we have to do.

Now, I understand if you feel that you have to vote for this. I really understand that. I recognize the politics of it. But do me a favor, let us not try to make arguments in a very serious way that this is going to become law. Let us be serious with ourselves. Let us be serious just for a second.

Mr. Speaker, can I get attention, please?

The SPEAKER pro tempore. The House will come to order.

Mr. D. EVANS. Mr. Speaker, let me say it for the record; let me say it for the record. There is no way, Mr. Speaker, no way, this is going to become a law. This is not going to become a law. Now, if you want to vote for it in spite of what I just said, if you want to vote for this in spite of what I just said, then go ahead and vote for it, but this is not going to become a law. I can assure you, Mr. Speaker, that there is no way. And do you know why it is not going to become a law? Not that I have any special contact with the Governor, not that the Governor called me, and I am not threatening you with veto letters. I am not even saying that. Do you know why I am saying what I am saying? A simple reason: The math does not add up. You only have to look at the math. If the math added up, then I would understand. But you only have to look: \$165 million on July 1, 2005. The math does not add up. So do not take my word based on any threats, any kind of feeling, you know, from the Governor. I am not even saying that.

I am just saying to you like I have said all the time, this is not a complicated process. The numbers have to match. If the numbers do not match, then it is not going to become a law. But on the other hand, on the other hand, if you want to say to your constituents – and I cannot blame you. As a matter of fact, it is 210 businesses. I cannot blame you. I want to go back to my district, I want to go back to my district and say that I voted for \$165 million in reduction, and I want to show people that that is what I did. Now, if you want to vote for that, that is what you should do. Seriously. Look, my colleague, my good friend, Dave, I said to Dave – this is a conversation between Dave and me; I stopped talking to myself and I started talking to Dave – I said, “Dave, we cannot ask our members to vote ‘no.’ We have got to say to our members to vote ‘yes.’ We have got to say to our members to vote ‘yes’ so our members, when they run, they can say they voted ‘yes’ so it will not be a difference in politics.”

So I am saying on my side, members, vote “yes”; vote “yes” on this, because if you vote “yes” on this, we will not have to worry about the Republicans painting us as tax-and-spend. So we should vote “yes.” I want to make that clear. On this side of the aisle, we should vote “yes.” But understand something else. Understand when you vote “yes,” at the end of the day, it is not going to become a law. So I put the announcement out and I have said it publicly, it is not going to become law. We are having like a little fun on this floor at this particular point. I enjoy having some fun, too. I enjoy what I did in the Appropriations Committee today, but I knew at the end of the day that we are just going through the motions of it, and that is what we are doing right here with this amendment. We are going through the motions.

Let me know when we are going to get serious, because we have got a health-care crisis; we have an education crisis; we have an economic development crisis. We are kind of expanding the State. We are trying to develop jobs; we are trying to grow businesses, and I understand what people are trying to do. I understand that.

So I wanted to put it on the record, because I was sitting up here debating with my staff about how we would approach this, and the conclusion I came to was just to say vote “yes.”

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who requests leave for the gentleman, Mr. JAMES, from Philadelphia County for the balance of today’s session. The leave will be granted.

CONSIDERATION OF HB 650 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

I rise today to support HB 650, and I was interested in the comments of my colleague from Philadelphia. On his analysis the only people we are going to save in the future are the people who are going to lose money in the future. Coming from Schuylkill County in the northeastern coal regions, I am trying to save the manufacturers and service industries who have lost money in the past. I want to try to save jobs of people who are already established in Pennsylvania. Maybe the Governor and I have a different philosophy. Maybe we do not agree on this issue. But as time goes on, I do not want to see businesses that are already established in this State move out, and therefore, I am urging the members to support the businesses that are now in Pennsylvania. Sure, I want to see new businesses come to Philadelphia; I want to see them come to Greene County; I want to see them come to Indiana County; I want to see them come to every, I mean, every county in this State, but I also want to save those industries that have been here and have been loyal to the Commonwealth of Pennsylvania.

I ask for a positive vote on this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the minority leader, Mr. DeWeese.

The Chair was not aware that Mr. LaGrotta wishes to be recognized on final passage.

Mr. LaGROTTA. Yes, sir. Yes, Mr. Speaker.

The SPEAKER pro tempore. You may proceed.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, I must admit, I am just a little bit overwhelmed by the Democratic Appropriations Committee chairman’s speech. I have been here almost 20 years, and this is the first time anyone has ever explained to me that we actually cast votes on the floor of the House for political reasons, that and the fact it is also the first time that the gentleman, the chairman of the Democratic Appropriations Committee, has encouraged me to vote for a tax cut.

PARLIAMENTARY INQUIRY

Mr. LaGROTTA. So, Mr. Speaker, I was wondering, if the gentleman from Philadelphia is accurate, would there be a way that we could make this \$265 million? Could we make it \$365 million? Would I have to suspend the rules to offer an amendment to do that? I have never been able to give away that kind of money before. I just wondered if that would be appropriate, Mr. Speaker.

The SPEAKER pro tempore. Is that a parliamentary inquiry?

Mr. LaGROTTA. Yes, sir.

The SPEAKER pro tempore. The gentleman could proceed in that fashion, if he wished.

Mr. LaGROTTA. Well, the gentleman has not drafted the amendment, Mr. Speaker, so the gentleman has to regretfully withdraw. I just wondered if in the future it would be appropriate to draft those kinds of amendments and just give away money that we do not have, and I guess that would make that a rhetorical question.

The SPEAKER pro tempore. So I do not have to respond to it.

Mr. LaGROTTA. No. Thank you, Mr. Speaker.

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

Mr. MAHER. Thank you, Mr. Speaker.

Very briefly, in response to the most recent speaker, I would observe that he voted to give away \$630 million just last July to build a single building in Philadelphia. I would say that something that benefits every employer in this State is of greater import, and I urge passage.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we are talking about a lot of money that is being passed around, and kind of dovetailing to what the former speaker said, it was back in July that we passed 14 gambling licenses – 14 gambling licenses – and we gave them away. Let me just refresh those figures for you. They were worth \$280 million, you saw what they are being paid for, up to \$550 million, and the figures did not match, Mr. Speaker. We gave them away at \$50 million. I mean, that was a giveaway.

And I heard the remark from my good friend—

The SPEAKER pro tempore. Will the gentleman yield.

Mr. CLYMER. —the minority chairman of Appropriations, that the Governor would not sign—

The SPEAKER pro tempore. Will the gentleman yield, please?

Mr. CLYMER. Yes.

The SPEAKER pro tempore. On the question of final passage, please.

Mr. CLYMER. Okay. Well, thank you, Mr. Speaker.

I think I did make my point about the fact that we did give away a lot of money to a very few people and made them extraordinarily wealthy, millions of dollars that we could have used here in the Capitol to help many programs that we are always looking for money. So yes, we did give away those licenses and the figures did not match, and the Governor did sign the bill into law.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk County, Mr. Surra, on final passage.

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

It is interesting that we are probably all going to vote for this, except for maybe a few leaders. But the fact that we are having a huge tax cut at a time when we have very little revenue, I do not know about your district offices, but I have had a steady stream of constituents in and out of my offices: You cannot cut

our program. Clarion needs more money, the State System, Penn State, Pitt, people with disabilities, domestic violence, medical assistance, on and on and on and on. Maybe those people are not coming to your offices.

You know, there is a disconnect in this country between tax policy and spending. If you look at the Federal government, Mr. Speaker, they are causing much of our problems here in Pennsylvania, running deficits in excess of \$500 billion a year, not counting the war in Iraq. The trickle down is trickling down on us and our constituents, and I hope we can all go home and say we voted to cut business taxes, but the next time those people come to your district office and you tell them, oh, I am going to do what I can to make sure that your program is funded, just remember this vote today.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Blaum. For what purpose do you rise?

Mr. BLAUM. Thank you, Mr. Speaker.

Just to request a Capitol leave for the gentleman, Mr. WILLIAMS.

The SPEAKER pro tempore. Leave is granted.

CONSIDERATION OF HB 650 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Boyd, on final passage.

Mr. BOYD. Thank you, Mr. Speaker.

Just real quickly, I just want to make a comment. Obviously, I support this bill and I think it is tremendously important, but I think it is important that we recognize that tax cuts create jobs. Tax cuts create jobs. Personally, I like to go back and look at the Reagan era, but instead of doing that for my colleagues across the aisle, let us look at the Kennedy era. Let us look at when John Kennedy cut taxes, and there were ultimately more jobs created and there was actually more revenue that came into the coffers. So if my colleague across the aisle is concerned about generating more revenue for the State's coffers, perhaps if we cut taxes, stimulate growth, stimulate businesses to create jobs, we will have more taxpayers, and ultimately, we will have a budget surplus.

So I just want to suggest that this is a good vote to generate revenue for this State. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Aside from the prime sponsor, the Chair recognizes the gentleman, Mr. DeLuca. For what purpose do you— Do you wish to be recognized on final passage?

Mr. DeLUCA. Yes, Mr. Speaker.

The SPEAKER pro tempore. You may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker.

I am going to support this, but I was not going to speak until the last speaker said cutting taxes is going to create jobs. That is the most ridiculous thing I ever heard. If we keep outsourcing the jobs, we are not going to have any jobs here. Why do we not talk about the outsourcing of jobs when we are sending all over our jobs to other countries out there? That is how we stop and

create jobs in this Commonwealth and this country; we stop the outsourcing to our poor countries over there. Why is Wal-Mart the biggest company in Pennsylvania, the biggest employer? Is that the types of jobs you want in Pennsylvania?

Mr. Speaker, I will support this, but when you talk about creating jobs, I remember when we gave billions, almost \$2, \$3 billion, \$4 billion, and we still did not create any jobs. Ask the people in your district who have to go out and work day in and day out for less wages, longer hours, and less benefits, and see what they say about cutting taxes and creating jobs.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the minority leader, Mr. DeWeese.

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

Every couple of years I try to trundle out the definition of one of my favorite words, “specious” – apparently good yet lacking real merit. This is specious.

Governor Rendell, as the honorable gentleman from Allegheny County who is making the debate on the other side of the issue, is in favor of net operating loss carry-forward language prospectively, and Governor Rendell, with a bipartisan commission overseeing the tax structure in this State, Republicans and Democrats together, wants to do in many ways what the prime sponsor, Mr. Turzai, from Allegheny County wants to do. To carry it to the extreme degree that the gentleman is wishing to do is an exercise in politics.

Now, that is not necessarily an alien phenomenon on this floor, nor should it be. It is an inherent element within our day-to-day dialectic. Our debate is tintured sometimes and suffused sometimes with politics. But this is suffused with politics. What the GOP, what the Republican leadership wants to do is put this bill up on the board, have some vulnerable Democrats vote intellectually, solidly against it, and then run into a holy terror during the next campaign. This is an artificially contrived moment in the House. It happens all the time, and that is not necessarily all bad. We have that kind of system. But it is specious, apparently good yet lacking real merit.

As I think Mr. Surra or one of the other people involved in the debate indicated – it might have even been Mr. Evans, the chairman of our Appropriations Committee – this is never going to be signed into law. The mathematics just do not add up. It seems like if you wanted to do this, you would have another way to figure out how to take care of all the revenues that would be lost.

When Mr. Vitali asked about the amount of revenue that would be needed in order to make up this deficit, there was a sketchy response from the other side, a sketchy response notwithstanding the fact that we desperately need more money for our State Police and we desperately need more money for our libraries, we desperately need more money for Medicaid. There were people from Fayette County health and human services in our offices earlier today. Mr. Daley and Mr. Shaner and Mr. Roberts and myself met with people from the drug and alcohol abuse clinics and homeless facilities in Fayette County. They are taking a 20-percent cut. I think when we are dealing with the State revenues, as the gentleman, Mr. Turzai, is doing, this all has to be done in that context.

So if Governor Rendell wants to lower business taxes prospectively within the confines of this budget, we will all be

supportive. And again, I know and in fact I want most of my members to accede to this specious exercise so we do not have to carry on and clamor away in the next budget, or excuse me, in the next political cycle. One or two of us will vote “no.”

“No” is the correct vote – “no” is the correct vote – on this specious exercise in politics. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill rise for brief interrogation?

Mr. TURZAI. Sure.

The SPEAKER pro tempore. He indicates he will stand for interrogation.

Mr. STURLA. Mr. Speaker, now, you know, I have not had a chance to look at all the details in this bill, but as I understand it, I can go back and recalculate my taxes back 25 years or so here. Is that correct?

Mr. TURZAI. With all due respect, the gentleman is incorrect, and the comments that this is retroactive are incorrect. Nobody gets to reopen a tax return. There is no retroactivity. Right now, today, if we do not have any change in the law, you can look back to 1995 – that is not retroactive, because that is what a net operating loss carry-forward is, and there is a 20-year carry-forward provision – you can make uses of loss today going back to 1995 in your 2005-2006 tax return up to a \$2 million cap. You do not get to make use of past future profits and say, I get to reopen my tax returns and now I am going to apply losses in some years past to profits in past years. It is a prospective bill dealing with tax returns as they begin in 2005-2006. And the fact of the matter is, this bill makes one change. It says, guess what? The uncompetitive \$2 million cap is no longer in place, and like 45 out of 47 States and the Federal government, we are going to remove the cap, and any losses that were in the past, just like today, can be used, except – guess what? – they are not limited to a \$2 million cap. It is prospective.

Mr. STURLA. So the cap looks back further. The removal of the cap looks back.

Mr. TURZAI. No. The removal of the cap is forward. It begins in 2005-2006.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Allegheny County, Mr. Levdansky, for the second time.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, you know, members can read for themselves what the bill says, and what the bill says is that it creates a schedule of taxable years, and under the bill, in 1994 – I am sorry – for tax years 1995 to 1997, you have 10 years to write off those losses, and for tax years 1998 and thereafter, you have 20 years in which to write off those losses. So you can reach back, as far back as 1995, losses incurred in 1995, you can reach back and allocate those losses to tax year beginning 2005 and forward. If that is not a reach-back and a retroactive clause, I do not know what is, okay? That is the way it works. And retroactively, it is not going to change corporate investment behavior, and that is what we are trying to change, okay?

What are the factors that will lead to corporations making major investments in plants and technology to create good jobs in Pennsylvania? What will do that? Prospectively, we could do that, and it would make sense, but this is a reach-back provision that, frankly, we just cannot afford in this particular fiscal year.

I also wish, you know, I wish we could afford to do this, but we just cannot. And the debates run far afield, but let us understand that tax policy in Pennsylvania, while it is important, it is but one factor that affects capital formation and business location decisions. There are a lot of other issues that affect business location decisions and capital formation in addition to tax rates. It is the investment climate. It is the relative cost of doing business. It is the proximity to markets. It is the cost and proximities to raw materials. It is the quality of education in the labor force. It is the work ethic of the people. It is a lot of things that go into business location decisions. But to just say it is just simply, let us just cut taxes and business development and economic development and jobs will happen, is foolhardy. And if it was true, the \$5 billion that this General Assembly passed in tax cuts going on over the last 10 years, we should have seen a significant improvement in our economic development and job performance in Pennsylvania with \$5 billion worth of business tax cuts over the last 10 years, passed in a bipartisan fashion. And what did we do? We moved from 49th to 48th in job creation and economic development. If that does not explain how foolhardy the single theory of “just cut business taxes” will lead to economic growth is, then I do not know what will.

This would be good to do prospectively, but it does not, and it just does not make any sense. And I concur. I mean, if you care about tax policy, if you are interested in philosophical consistency, if you are interested in being right and doing the right thing, you will vote against this. But if you want to raise money at your next fundraiser, then vote for it.

Thank you.

The SPEAKER pro tempore. On final passage, the Chair recognizes the gentleman from Indiana County, Mr. Reed.

Mr. REED. Thank you, Mr. Speaker.

I would just like to point out for the gentleman from Allegheny County, he mentioned the \$5 billion tax decrease that supposedly happened during the Ridge administration. I just wanted to point out why that was necessary, because the 1991 increases in business taxes during the Casey administration had actually put the capital stock and franchise tax up to 13 mills and the corporate net income tax to 12.125 percent, for the information of the members.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Luzerne County, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to get up until I heard the last speaker. Can I interrogate the Appropriations chairman, please?

The SPEAKER pro tempore. The gentleman indicates he will not stand for interrogation.

Mr. TIGUE. Okay. I would like to interrogate our Democratic Appropriations chairman.

The SPEAKER pro tempore. That gentleman indicates he will stand for interrogation.

Mr. TIGUE. Mr. Speaker, the fiscal note, according to what I read, says about approximately \$165 million, and what they can guess for next year is \$148 million. What effect does that

have on the agreement of the budget that we passed a few weeks ago as far as there was an agreement of how much revenue would be available, based on, obviously, based on the April revenue returns?

Mr. D. EVANS. Mr. Speaker, if this were to become law, we agree then, this current year, over \$110 million in this current year.

Mr. TIGUE. I am sorry, Mr. Speaker. Say again?

Mr. D. EVANS. Mr. Speaker, we agreed in this current year that we are in that the number was \$110 million above the Governor's number.

Mr. TIGUE. So the effect would be we would have to do additional cuts in the budget if this were to be enacted, because this would go in effect April of next year when we start filing tax returns.

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, these are the kinds of moments that we go through that we show that as a whole, we cannot be responsible. Instead of sitting down and saying, yes, we should work with businesses and we should do that, we become one side is probusiness, the other side is not. It is garbage. What we have here is an idea, as one of the previous speakers said, that may be a good idea, and we should accelerate other things as well as the loss carry-forward. But we got well beyond that tonight, and we start this partisan stuff about taxes are good, taxes are bad. I for one voted for the taxes in 1991 along with most of the Republican leaders, who knew it was the important thing to do, and when I hear people talk about that, I tell them a couple of things.

I want to help businesses. Unfortunately, I cannot put a connection between taxes and business, health and business growth in Pennsylvania. Let me give you an example. Forget about Pennsylvania. Let us talk about the whole nation. Someone earlier mentioned President Kennedy and President Reagan. It is interesting that people do not talk about President Bush, the first, and more importantly, perhaps, President Clinton. In '91 when Clinton was President, the first term he raised taxes, and as a result of that, he lost the majority in the House of Representatives, with one of the Pennsylvania members losing the election, Marjorie Margolis-Mezvanski, because she voted for taxes. The reason why we had a surplus in both the Federal level and the State level is because we made tough decisions in 1991 on the State and Federal levels. As a result of that, we not only— And I do not agree all the time with this partisan stuff. The first thing we did, which I think was wrong but we did it because it was part of the package, we did lower personal income taxes in Pennsylvania at one time. And by the way, just to remember, the personal income taxes that we passed in 1991 were higher than they are today. It was 3.1 percent. Today it is 3.07. When you talk about taxes, it is like the weather: People think they know what they are talking about, and they do not. We lowered business taxes for 10, actually 11 straight years, and Governor Casey was the first one to put in, in 1994, with the help of a lot of Republicans and some Democrats, we passed the 1994 budget, and that is where we set up the acceleration of the capital stock and franchise tax and other taxes. If we are going to be responsible, we have to stop this “it is good; it is bad; it is not” and sit down, and instead of throwing legislation around, we have to start studying legislation more and doing the right thing.

This is a problem. It is not a political problem, not for me, anyway. It is a problem because it continues the ridiculousness that goes on. This is going to pass overwhelmingly here in the House. You know it is not going to pass in the Senate the way it is written, because it is not written properly. As one of the prior members said, if it was prospective, it would make sense. It makes no sense to go back now and decide next year. And by the way, it is not retroactive; it starts this tax year, which means in April of 2006 when people file their income tax, we are going to have less money in the 2005-2006 budget. That is what it means.

It also means that we are staring in the face— All of us have heard from our hospitals, from our social service agencies, from our medical people. You want to talk about medical malpractice? How about the ability to pay for medical services under Medicaid? So we are going to take another \$110 million out of the pie. It does not make sense. I understand the politics in that, but sometimes we have to wake up, and we are getting close to next month when we are going to get serious about budget negotiations. We can continue this charade, but we have to make a decision, and it is easy to vote today “yes,” and I would encourage most people to vote “yes,” but this is not the right thing to do or the time.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

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

Mr. BLAUM. Thank you, Mr. Speaker.

Just to request a Capitol leave for the gentleman, Mr. DeWEESE.

The SPEAKER pro tempore. Request for Capitol leave for Mr. DeWeese. The leave is granted.

CONSIDERATION OF HB 650 CONTINUED

The SPEAKER pro tempore. Is there anyone remaining to speak on final passage other than the prime sponsor?

The Chair recognizes the gentleman from Allegheny County, Mr. Turzai.

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

Just as one more clarifying point. Existing law today allows businesses to make use of losses back to 1995 in prospective returns. All this bill does in a prospective manner is raise the cap or eliminate the cap of \$2 million, which is only one of two States that permanently has such a cap.

Second of all, with all due respect to my colleagues from Philadelphia County, Greene County, Luzerne County, this is not specious. It is not a charade. The fact of the matter is, either we are serious or we are not serious about a progrowth message that says we have to lower overhead costs for our employers to create jobs. Without employers, we do not have jobs. The fact of the matter is, we have lost 50,000 manufacturing jobs over the last 2 years – that is 2,000 per month – and we can either do something about it or we cannot do something about it. This is a component part with respect to how we do it. We have to lower worker compensation rates, unemployment compensation rates,

legal costs from lawsuit abuse reform. This package is serious business, and it represents a progrowth perspective.

My colleague from Indiana County has said many, many times, the best thing that the State of Pennsylvania can do in terms of providing welfare to its citizens is to give it a climate that allows for a family-sustaining job. We are not the job creators. Private employers are the job creators. With them, we have good communities and good schools.

You know, last session we voted to fund a \$1.1 billion economic stimulus package to the tune of 600 million additional costs in debt service and fees. So we agreed to spend \$1.7 billion to create jobs in this State under the typical paradigm of raising taxes, collecting it in Harrisburg, and then we will divvy it out in pet projects, as we always do, because we know better than the people who are out there making the money. This is part of the package that changes that paradigm.

And I have heard about the Medicaid crisis today and the health-care crisis today. Every year when we do not want to reduce taxes, there are always spending crises – is that not convenient? – when the real fact of the matter is what we have had in this State is a spending crisis. Since 1991 government spending has grown 98.3 percent in the operating budget while the inflation rate was only 37.1 percent, and we have added on top of it off-book financing like the economic stimulus package of \$1.1 billion with an additional \$600 million in debt service costs for underwriters and attorneys. Let us return the money back to the employers. Let us lower their worker compensation and unemployment compensation rates. Let us make the legal system and the regulatory process more fair, and that will have real economic development.

I am willing to take the honorable chair from Philadelphia County’s challenge. My goal here today is not to provide political charade or cover. My goal today is to make this become law, and if you are voting “yes” today, vote “yes” because you are serious about it.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—176

| | | | |
|-------------|-----------|------------|--------------|
| Adolph | Fichter | Major | Ruffing |
| Allen | Fleagle | Mann | Sainato |
| Argall | Flick | Markosek | Samuelson |
| Armstrong | Forcier | Marsico | Santoni |
| Baker | Frankel | McCall | Sather |
| Baldwin | Gabig | McGeehan | Saylor |
| Barrar | Gannon | McGill | Scavello |
| Bastian | Geist | McIlhattan | Schroder |
| Bebko-Jones | George | McIlhinney | Semmel |
| Belardi | Gerber | McNaughton | Shaner |
| Belfanti | Gergely | Melio | Shapiro |
| Benninghoff | Gillespie | Metcalfe | Siptroth |
| Biancucci | Gingrich | Micozzie | Smith, B. |
| Birmelin | Good | Millard | Smith, S. H. |
| Bishop | Goodman | Miller, R. | Solobay |
| Boyd | Grell | Miller, S. | Sonney |
| Bunt | Grucela | Mundy | Staback |

| | | | |
|-------------|------------|----------|---------------|
| Buxton | Gruitza | Mustio | Stairs |
| Caltagirone | Habay | Myers | Steil |
| Cappelli | Haluska | Nickol | Stern |
| Casorio | Hanna | O'Brien | Stevenson, R. |
| Causer | Harhai | Oliver | Stevenson, T. |
| Cawley | Harhart | O'Neill | Sturla |
| Civera | Harper | Pallone | Surra |
| Clymer | Harris | Payne | Tangretti |
| Cornell | Hennessey | Petrarca | Taylor, E. Z. |
| Corrigan | Herman | Petri | Taylor, J. |
| Costa | Hershey | Petrone | Thomas |
| Crahalla | Hess | Phillips | True |
| Creighton | Hickernell | Pickett | Turzai |
| Cruz | Hutchinson | Pistella | Wansacz |
| Daley | Kauffman | Preston | Waters |
| Dally | Keller, M. | Pyle | Watson |
| DeLuca | Keller, W. | Quigley | Wheatley |
| Denlinger | Kenney | Ramaley | Wilt |
| Dermody | Killion | Rapp | Wojnaroski |
| DiGirolamo | Kirkland | Raymond | Wright |
| Diven | Kotik | Readshaw | Yewcic |
| Donatucci | Leach | Reed | Youngblood |
| Eachus | Lederer | Reichley | Yudichak |
| Ellis | Leh | Roberts | Zug |
| Evans, J. | Lescovitz | Rohrer | |
| Fabrizio | Mackereth | Ross | |
| Fairchild | Maher | Rubley | Perzel, |
| Feese | Maitland | | Speaker |

NAYS-18

| | | | |
|-----------|-----------|-----------|------------|
| Blackwell | Evans, D. | Manderino | Vitali |
| Blaum | Freeman | Rooney | Walko |
| Cohen | Josephs | Tigue | Washington |
| Curry | LaGrotta | Veon | Williams |
| DeWeese | Levdansky | | |

NOT VOTING-0

EXCUSED-8

| | | | |
|-----------|-------|--------|---------|
| Butkovitz | Hasay | Nailor | Roebuck |
| Godshall | James | Rieger | Stetler |

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

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

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. PHILLIPS called up HR 303, PN 1917, entitled:

A Resolution designating the month of May 2005 as "Correct Posture Month" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

| | | | |
|--------|-----------|----------|-----------|
| Adolph | Fairchild | Maher | Sainato |
| Allen | Feese | Maitland | Samuelson |
| Argall | Fichter | Major | Santoni |

| | | | |
|-------------|------------|------------|---------------|
| Armstrong | Fleagle | Manderino | Sather |
| Baker | Flick | Mann | Saylor |
| Baldwin | Forcier | Markosek | Scavello |
| Barrar | Frankel | Marsico | Schroder |
| Bastian | Freeman | McCall | Semmel |
| Bebko-Jones | Gabig | McGeehan | Shaner |
| Belardi | Gannon | McGill | Shapiro |
| Belfanti | Geist | McLhattan | Siptroth |
| Benninghoff | George | McIlhinney | Smith, B. |
| Biancucci | Gerber | McNaughton | Smith, S. H. |
| Birmelin | Gergely | Melio | Solobay |
| Bishop | Gillespie | Metcalfe | Sonney |
| Blackwell | Gingrich | Micozzie | Staback |
| Blaum | Good | Millard | Stairs |
| Boyd | Goodman | Miller, R. | Steil |
| Bunt | Grell | Miller, S. | Stern |
| Buxton | Grucela | Mundy | Stevenson, R. |
| Caltagirone | Gruitza | Mustio | Stevenson, T. |
| Cappelli | Habay | Myers | Sturla |
| Casorio | Haluska | Nickol | Surra |
| Causer | Hanna | O'Brien | Tangretti |
| Cawley | Harhai | Oliver | Taylor, E. Z. |
| Civera | Harhart | O'Neill | Taylor, J. |
| Clymer | Harper | Pallone | Thomas |
| Cohen | Harris | Payne | Tigue |
| Cornell | Hennessey | Petrarca | True |
| Corrigan | Herman | Petri | Turzai |
| Costa | Hershey | Petrone | Veon |
| Crahalla | Hess | Phillips | Vitali |
| Creighton | Hickernell | Pickett | Walko |
| Cruz | Hutchinson | Pistella | Wansacz |
| Curry | Josephs | Preston | Washington |
| Daley | Kauffman | Pyle | Waters |
| Dally | Keller, M. | Quigley | Watson |
| DeLuca | Keller, W. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Rohrer | Yudichak |
| Ellis | Leh | Rooney | Zug |
| Evans, D. | Lescovitz | Ross | |
| Evans, J. | Levdansky | Rubley | Perzel, |
| Fabrizio | Mackereth | Ruffing | Speaker |

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-----------|-------|--------|---------|
| Butkovitz | Hasay | Nailor | Roebuck |
| Godshall | James | Rieger | Stetler |

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

The SPEAKER pro tempore. There will be no further votes today. Session will begin tomorrow at 10 a.m.

VOTE CORRECTIONS

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

Mr. ARMSTRONG. Mr. Speaker, I wish to correct the record.

On HB 89, amendment 805, I wish to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen.

Mr. ALLEN. Mr. Speaker, I would like to change my vote on the record.

HB 89, amendment A0805, I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, on HB 107, the motion to table amendment 1080, I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's comments will be spread upon the minutes.

Mr. PETRONE. Thank you.

The SPEAKER pro tempore. Any other corrections to the record?

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. Are there any other announcements?

Hearing none, the Chair recognizes the gentleman, Mr. Blackwell, from Philadelphia County.

Mr. BLACKWELL. Mr. Speaker, I move that this House do now recess until Tuesday, May 10, 2005, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:15 p.m., e.d.t., the House recessed.