

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, JULY 1, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 46

### HOUSE OF REPRESENTATIVES

The House convened at 3:55 p.m., e.d.t.

#### THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

#### PRAYER

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

Let us pray:

God of all time and space, we realize that Your time is different than ours. Our minds cannot grasp the concept of infinity so we have calendars and clocks to mark our days and hours. Remind us that every moment we turn our minds and hearts to You is sacred. So from our tiny spot in Your vast domain, we seek the benediction of Your grace.

As we open our hearts to You in prayer, we ask that You make us soft and pliable as clay and not hard as stone. Let not our minds be armored as a fortress, but make us as open as the grand archways that adorn this Capitol. Let us not cling to preconceived assumptions, but relax our hands to let go of all to which we grasp. Set us free to hold whatever You might send us. May we not be like mules without understanding, whose tempers must be curbed with bit and bridle. Instead, may we flow as a fallen leaf floats lightly on the surface of a stream. Open us to freely hear Your voice.

Monday we celebrate this nation's independence. What a powerful idea lurks within the word "independence." For all in past years who have labored for freedom with justice, we lift up our hearts in praise of You, O God, by whose hand they were created and whose love they were nurtured. Keep us ever mindful of the shoulders on which our present liberties were carried and are still carried today, and foster in us, we pray, the courage to offer our own backs for new burdens. We remember the birth of this nation and the noblest aspirations of the ones who founded it. For all its departures from truth, justice, and merciful governance, we entreat Your forgiveness, and we pray for Your aid in its search for redemption. Encourage when deserved, chasten where needed, and in all things restore and renew to Your glory. We remember all who have fought for their country and for freedom around the world: combatants in war who hated the killing and longed only for peace; conscientious objectors who wanted less to object than to serve peace as its makers. All honor and praise to conscience and duty; all praise and full honor to the brave and the true.

As we wrap things up here in this House, we ask for Your guidance in every decision to be made and endurance for what

promises to be a long, tiring journey. In our moments of despair, inspire us and broaden our perspective. In our moments of failure, empower us with strength to try again. In our moments of victory, let us celebrate and be humble.

Let Your steadfast love, O Lord, be upon us even as we hope in You. Accept these our prayers. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Thursday, June 30, 2005, will be postponed until printed.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1826** By Representatives T. STEVENSON, BOYD, CALTAGIRONE, CAPPELLI, GINGRICH, GRELL, HERMAN, KILLION, MUSTIO, PAYNE, PHILLIPS, PYLE, RUBLEY, SAYLOR and THOMAS

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for escrow of deposits or posting of surety bond or letter of credit.

Referred to Committee on COMMERCE, July 1, 2005.

**No. 1827** By Representatives CALTAGIRONE, CRAHALLA, HANNA, HARRIS and SCAVELLO

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, eliminating the office of State Treasurer.

Referred to Committee on STATE GOVERNMENT, July 1, 2005.

**No. 1828** By Representatives CALTAGIRONE, CRAHALLA, GOOD, HANNA, HARRIS, JAMES, MYERS, REICHLEY, SATHER and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further regulating abandoned and unclaimed property; and transferring the Bureau of Unclaimed Property to the Department of Revenue.

Referred to Committee on FINANCE, July 1, 2005.

**No. 1829** By Representatives CORNELL, CAPPELLI, FAIRCHILD, RUBLEY, REED, McILHATTAN, QUIGLEY, WRIGHT, WATSON, LEH, HICKERNELL, PYLE, E. Z. TAYLOR, BALDWIN, GODSHALL, HESS, GINGRICH, SCAVELLO, TURZAI, CLYMER, R. MILLER, CRAHALLA, REICHLEY, O'NEILL, BOYD and ROSS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

Referred to Committee on JUDICIARY, July 1, 2005.

**No. 1830** By Representatives REICHLEY, ARMSTRONG, BEBKO-JONES, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, DALLY, DeLUCA, DENLINGER, GEIST, HARHART, HICKERNELL, JAMES, KOTIK, LaGROTTA, LEACH, MACKERETH, McILHATTAN, MYERS, O'NEILL, PETRARCA, PETRI, PYLE, RUFFING, SAINATO, B. SMITH, STABACK, STERN, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WATSON, WILT and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for declaration of policy and for when parent deceased; providing for notice to grandparent; further providing for exception for adopted children; and making repeals.

Referred to Committee on JUDICIARY, July 1, 2005.

**No. 1831** By Representatives REICHLEY, ARMSTRONG, BENNINGHOFF, BOYD, CAPPELLI, CLYMER, CRAHALLA, DALLY, GODSHALL, KAUFFMAN, MUSTIO, REED, ROSS, SATHER, SCAVELLO, SCHRODER, E. Z. TAYLOR and TURZAI

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for mandatory arbitration.

Referred to Committee on STATE GOVERNMENT, July 1, 2005.

**No. 1832** By Representatives REICHLEY, ARMSTRONG, BAKER, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, DALLY, DeLUCA, DENLINGER, GILLESPIE, GOODMAN, GRELL, GRUCELA, HARHART, HERMAN, KAUFFMAN, KOTIK, MACKERETH, MANN, MICOZZIE, MILLARD, MUSTIO, PETRARCA, PYLE, REED, SAINATO, SCAVELLO, SCHRODER, E. Z. TAYLOR, TIGUE, WATSON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application form for driver's license, commercial driver's license, learner's permit and identification card.

Referred to Committee on TRANSPORTATION, July 1, 2005.

**No. 1833** By Representatives HARHAI, BEBKO-JONES, BELFANTI, BIANCUCCI, CALTAGIRONE, COHEN, GOODMAN, GRUCELA, HERMAN, JAMES, KOTIK, MANN, McILHATTAN, PETRARCA, PISTELLA, PRESTON, READSHAW, SHANER, SOLOBAY, STURLA, TANGRETTI, J. TAYLOR, TIGUE, WALKO, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

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 neighborhood assistance tax credit, for definitions and for grant of tax credit; and providing for Pennsylvania S corporation shareholder pass-through.

Referred to Committee on FINANCE, July 1, 2005.

**No. 1834** By Representatives COHEN, E. Z. TAYLOR, DeWEESE, McCALL, PHILLIPS, BELARDI, TANGRETTI, PETRARCA, HICKERNELL, LEDERER, McNAUGHTON, STURLA, GODSHALL, MANDERINO, B. SMITH, CALTAGIRONE, HENNESSEY, BELFANTI, BUNT, DeLUCA, LEVDANSKY, SCAVELLO, FREEMAN, MYERS, STABACK, THOMAS, J. TAYLOR, WALKO, CURRY, GOODMAN, MANN, McILHINNEY, SANTONI, SHANER, FRANKEL, JAMES, YOUNGBLOOD, JOSEPHS, WATERS, KIRKLAND, O'NEILL, KOTIK, ROEBUCK, PALLONE and McGEEHAN

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for electronic access to driver records to confirm organ donor status.

Referred to Committee on TRANSPORTATION, July 1, 2005.

**No. 1835** By Representatives YEWIC, SCAVELLO, SIPTROTH, METCALFE, FORCIER, McNAUGHTON, REED, HARHART, ROHRER, TIGUE, SHANER, HANNA, FREEMAN, HUTCHINSON, HALUSKA, ROBERTS, YUDICHAK, SURRA, BARRAR, MARKOSEK, GOODMAN, ALLEN, ARGALL, ARMSTRONG, BAKER, BALDWIN, BASTIAN, BENNINGHOFF, BIRMEIN, BOYD, BUNT, CAPPELLI, CAUSER, CLYMER, CRAHALLA, CREIGHTON, DALLY, DENLINGER, ELLIS, J. EVANS, FAIRCHILD, ADOLPH, CIVERA, FICHTER, FLEAGLE, GABIG, GANNON, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOOD, HABAY, HERMAN, HERSHEY, HESS, HICKERNELL, KAUFFMAN, M. KELLER, KENNEY, KILLION, LEH, MACKERETH, MAHER, MAJOR, MARSICO, McGILL, McILHATTAN, MICOZZIE, MILLARD, R. MILLER, S. MILLER, MUSTIO, NAILOR, NICKOL, O'BRIEN, O'NEILL, PAYNE, PETRI, PHILLIPS, PICKETT, PISTELLA, PYLE, QUIGLEY, RAPP, RAYMOND, REICHLEY, SAYLOR, SEMMEL, B. SMITH, SONNEY, STAIRS, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI, WATSON, WILT, WRIGHT, ZUG and FABRIZIO

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the power of eminent domain.

Referred to Committee on STATE GOVERNMENT, July 1, 2005.

**No. 1836** By Representatives YEWIC, SCAVELLO, SIPTROTH, METCALFE, McNAUGHTON, FORCIER, HARHART, ROHRER, TIGUE, SHANER, HANNA, FREEMAN, HUTCHINSON, HALUSKA, ROBERTS, YUDICHAK, SURRA, BARRAR, MARKOSEK, GOODMAN, ALLEN, ARGALL, ARMSTRONG, BAKER, BALDWIN, BASTIAN, BENNINGHOFF, BIRMELIN, BOYD, BUNT, CAPPELLI, CAUSER, CLYMER, CRAHALLA, CREIGHTON, DALLY, DENLINGER, ELLIS, J. EVANS, FAIRCHILD, ADOLPH, CIVERA, FICHTER, FLEAGLE, GABIG, GANNON, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOOD, HABAY, HERMAN, HERSHEY, HESS, HICKERNELL, KAUFFMAN, M. KELLER, KENNEY, KILLION, LEH, MACKERETH, MAHER, MAJOR, MARSICO, MCGILL, McILHATTAN, MICOZZIE, MILLARD, R. MILLER, S. MILLER, MUSTIO, NAILOR, NICKOL, O'BRIEN, O'NEILL, PAYNE, PETRI, PHILLIPS, PICKETT, PISTELLA, PYLE, QUIGLEY, RAPP, RAYMOND, REICHLEY, SAYLOR, SEMMEL, B. SMITH, SONNEY, STAIRS, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI, WATSON, WILT, WRIGHT, ZUG and FABRIZIO

An Act amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, further providing for grounds for preliminary objections.

Referred to Committee on STATE GOVERNMENT, July 1, 2005.

**REAL PROPERTY DISPOSITION PLAN**

The SPEAKER pro tempore. The Speaker submits for inclusion in tomorrow's calendar the 2005 Real Property Disposition Plan dated June 29, 2005, from the Governor.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the Republican whip, who asks for a leave of absence for the day for the gentleman from Chester County, Mr. ROSS. And the gentleman, Mr. Veon, the Democratic minority whip, asks for a request for a leave of absence for the day for the gentleman from Philadelphia, Mr. RIEGER, and the gentleman from Allegheny County, Mr. WHEATLEY. Without objection, those three leaves will be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—198**

Adolph	Fairchild	Levdansky	Rubley
Allen	Feese	Mackereth	Ruffing
Argall	Fichter	Maher	Sainato
Armstrong	Fleagle	Maitland	Samuelson
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—3**

Rieger	Ross	Wheatley
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**LEAVES ADDED—1**

Leach

**GUESTS INTRODUCED**

The SPEAKER pro tempore. The Chair wishes to welcome the guests of the gentleman from Lancaster County, Representative Hickernell. He has with him today Jeanne Herr Cassidy; Patrick Cassidy; and their friend, Omar Bravo of the Bronx, who is from the Fresh Air Program. Jeanne and Patrick are the family of Mike Cassidy of Representative Cohen's staff. Folks, we welcome you to Harrisburg and hope you enjoy your day here.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 720, PN 811**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for exceptions to unlawful use of lights while hunting.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger	Ross	Wheatley
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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.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 759, PN 921**, entitled:

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

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.

Is the gentleman, Mr. Cohen, seeking recognition on this bill? The gentleman is in order.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak in support of this bill. This bill received some degree of controversy yesterday. Several of my colleagues in the Philadelphia delegation raised constitutional issues in connection with this bill, but I believe the best way to deal with the constitutional concerns that they raised is to support this legislation.

To begin with, there were questions of flags from other countries, could they be flown. This bill makes no specific provision for other flags to be flown. However, there is standard constitutional doctrine that if you allow one form, if you allow one opinion to be expressed in the realm of politics, any governmental agency or any governmental law has to allow other forms of opinion to be expressed. It would therefore be my expectation that if this legislation is held constitutional in Pennsylvania – and it has been held constitutional in most but not all other States in which it has been passed – the courts would order that those people who want to fly other flags be allowed to do so and that the cause of flying other flags would therefore be advanced by the passage of this legislation.

Secondly, Mr. Speaker, this legislation deals with the question of whether or not there can be State regulation of private associations. This says that the State can regulate a private association in a worthwhile, public-spirited way. This has proven to be a controversial doctrine with the U.S. Supreme Court.

The U.S. Supreme Court in the case of *Irvis v. Moose Lodge* said that K. Leroy Irvis, although then the majority leader of the State House and a member of the Pennsylvania Bar and a fine, upstanding citizen, had no constitutional right to eat at the Moose Lodge that stood where the Pennsylvania Manufacturers' Association now stands. The Moose Lodge took the position that K. Leroy Irvis was Black, and therefore, he was unwelcome at the Moose Lodge.

The U.S. Supreme Court said that the Moose Lodge had the right to make such a decision. I personally do not believe the Moose Lodge had a right to make such a decision, and I think this would advance the cause of allowing the State legislature to regulate inappropriate actions of private associations. Similarly, Representative Josephs referred to the case in New Jersey where the State legislature passed a law giving rights to gay citizens, and the Supreme Court ruled that that law could not apply to private associations, such as the Boy Scouts.

Again, Mr. Speaker, this legislation says, this legislation asserts our belief in Pennsylvania that we can regulate private associations. I think that anybody who is concerned about inappropriate actions of private associations should support this legislation. This is worthwhile legislation, and it advances broader purposes beyond the immediate purposes it seeks to serve. I urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia County, Ms. Josephs. The lady waives off. The Chair thanks the lady.

Are there any other members seeking recognition other than the prime sponsor? I would like to give him the opportunity to speak last.

The Chair recognizes the gentleman, Mr. Mustio. The gentleman waives off.

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—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	Schroder
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Shapiro
Benninghoff	George	McIlhattan	Siptroth
Bianucci	Gerber	McIlhinney	Smith, B.
Birmelin	Gergely	McNaughton	Smith, S. H.
Bishop	Gillespie	Melio	Solobay
Blackwell	Gingrich	Metcalfe	Sonney
Blaum	Godshall	Micozzie	Staback
Boyd	Good	Millard	Stairs
Bunt	Goodman	Miller, R.	Steil
Butkovitz	Grell	Miller, S.	Stern
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Mustio	Stevenson, R.
Cappelli	Habay	Myers	Stevenson, T.
Casorio	Haluska	Nailor	Sturla
Causer	Hanna	Nickol	Surra

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

NAYS—1

Josephs

NOT VOTING—0

EXCUSED—3

Rieger                      Ross                      Wheatley

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.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Mustio. For what purpose does the gentleman rise?

Mr. MUSTIO. I would like to thank everyone for passage and then submit comments, please, for the record.

The SPEAKER pro tempore. The gentleman is in order and may do so.

Mr. MUSTIO. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. Speaker, there has been a lot of activity here on the floor this week during the debate, and I think it is important to offer a final thought on my bill.

A number of other flags have been discussed during this debate: the flag of Israel, flags representing the heritage of African-Americans, flags representing the heritage of Latino-Americans. These flags have value and are deserving of our respect. These flags are important symbols. My bill does not prevent the flying of any of these flags.

The American flag is a symbol for all of us. It is the symbol of diverse interests. It is the symbol of diverse ethnic groups. It is the symbol of diverse religious groups. The red, white, and blue encompasses all of us. At its heart, that is what my bill is about – flying the symbol that unifies us all. Thank you for passage.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1057, PN 2402**, entitled:

An Act providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Municipal Police Officers' Education and Training Commission.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—198**

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

Dermody	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger                      Ross                      Wheatley

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 1273, PN 1614**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of firearms not to be carried without a license.

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

Mr. **CREIGHTON** offered the following amendment No. **A02153**:

Amend Sec. 1 (Sec. 6106), page 2, line 8, by striking out "the firearm is not loaded and"

Amend Sec. 1 (Sec. 6106), page 2, line 8, by inserting a bracket before "the"

Amend Sec. 1 (Sec. 6106), page 2, line 9, by striking out the bracket before "and"

Amend Sec. 1 (Sec. 6106), page 2, line 10, by inserting after "unloaded]"

the firearm is not loaded

Amend Sec. 1 (Sec. 6106), page 2, line 25, by inserting after "repair"

, sale or appraisal

Amend Sec. 1 (Sec. 6106), page 2, line 29, by inserting after "Police)"

, or to a place of instruction intended to teach the safe handling, use or maintenance of firearms or back

Amend Sec. 1 (Sec. 6106), page 3, line 30, by striking out all of said line and inserting

(e) Definitions.—

(1) For purposes of subsection (b)(3), (4), (5), (7) and (8), the term

Amend Sec. 1 (Sec. 6106), page 4, by inserting between lines 3 and 4

(2) As used in this section, the phrase "place of instruction" shall include any hunting club, rifle club, rifle range,

pistol range, shooting range, the premises of a licensed firearms dealer or a lawful gun show or meet.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Creighton. The gentleman waives off.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger                      Ross                      Wheatley

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—198

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

Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger	Ross	Wheatley
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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 1686, PN 2131**, entitled:

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

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

The SPEAKER pro tempore. The Chair would inquire of Mr. Thomas whether or not he is still presenting his amendments to this bill. Mr. Thomas, it is the Chair’s understanding that you have withdrawn them, but we want to make sure that that is the case.

It is HB 1686. You had two amendments drafted for it.

Mr. THOMAS. I have how many amendments?

The SPEAKER pro tempore. Two.

Mr. THOMAS. I am withdrawing one amendment.

The SPEAKER pro tempore. Do you know which one that you want to present?

Mr. THOMAS. Yes. The one that deals with illegal possession of firearms, that is being withdrawn, but the one on restitution is standing.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Thomas, we have looked at both of those amendments; neither one has the mention of the word “restitution” in it. Are you sure that is what you want to present?

Mr. THOMAS. Mr. Speaker, I am withdrawing both amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. THOMAS. Thank you.

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

Mr. **BELFANTI** offered the following amendment No. **A02555**:

Amend Title, page 1, line 2, by striking out “offense of” and inserting

offenses of paintball guns and paintball markers, criminal mischief and

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 2707.2, 3304(a) and 6304(g) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2707.2. Paintball guns and paintball markers.

(a) Unlawful carrying in vehicle.—

(1) Except as set forth in paragraph (2), an individual may not carry a paintball gun or a paintball marker in a vehicle on a highway unless [one of the following apply:

(i) The paintball gun or paintball marker is disassembled so that the propellant canister is separate from the rest of the device and the device is empty of encapsulated gelatin paintballs.

(ii) The propellant canister of the paintball gun or paintball marker has been emptied of its gas or air propellant and the device is empty of encapsulated gelatin paintballs.] the device is empty of encapsulated gelatin paintballs and the propellant source or canister on the paintball gun or paintball marker is disabled or turned off.

(1.1) An individual may not carry paintballs in a vehicle on a highway unless the paintballs are stored in a separate and sealed container.

(2) [Paragraph (1) does] Paragraphs (1) and (1.1) do not apply to a commercial paintball field, range or course where passengers are being transported by the commercial field, range or course operator to and from designated player areas.

(a.1) Unlawful discharge of paintball gun or paintball marker.—An individual may not discharge or fire a paintball gun or paintball marker at a person who is not participating in paintball games or paintball-related recreational activities.

(a.2) Unlawful sale of a paintball gun or paintball marker to minor.—A person may not intentionally and knowingly sell a paintball gun or paintball marker to an individual under 18 years of age unless:

(1) the parent or legal guardian of the individual is present; or

(2) the person contacts the parent or legal guardian of the individual prior to the sale.

(b) Penalty.—A person who violates this section commits a summary offense.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Paintball gun.” A device designed and manufactured to propel, by gas or air, an encapsulated gelatin paintball.

“Paintball marker.” A device designed and manufactured to propel, by gas or air, an encapsulated gelatin paintball.

§ 3304. Criminal mischief.

(a) Offense defined.—A person is guilty of criminal mischief if he:

(1) damages tangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in section 3302(a) of this title (relating to causing or risking catastrophe);

(2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property;

(3) intentionally or recklessly causes another to suffer pecuniary loss by deception or threat;

(4) intentionally defaces or otherwise damages tangible public property or tangible property of another with graffiti by use of any aerosol spray-paint can, broad-tipped indelible marker or similar marking device; [or]



(5) intentionally damages real or personal property of another[.]; or

(6) intentionally defaces personal, private or public property by discharging a paintball gun or paintball marker at that property.

\*\*\*

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, I had intended to offer this as a freestanding bill or, I am sorry, an amendment to a bill that we adopted last year offered by Representative Staback. The Stairs bill is actually perfect, even better than what my intention was.

There is another piece of legislation I will be offering that deals with safety at commercial and noncommercial paintball fields, but this legislation simply makes the sport of paintball safer and also inhibits the ability for people that commit vandalism or cause injury in unregulated paintball discharges out of moving cars or from college dorm windows and some of the other things that we have heard about over the course of the advent of paintball.

I have been a paintball player for more than 10 years and played both novice and amateur level before my back surgery, so I know a lot about this sport. I am just trying to make the sport safer and also to discourage the use of paintballs for vandalism purposes.

Thank you, Mr. Speaker. I understand the amendment is agreed to.

The SPEAKER pro tempore. Members, please take your seats. It is starting to get a little loud again.

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

Mr. STAIRS. Thank you, Mr. Speaker.

I want to agree with what the previous member just said. It is an agreed-to amendment, and certainly paintball is, it may be surprising to you, but the safest of all sports, boxing being the most dangerous, and we want to make it even safer. So I appreciate the legislator for introducing this very important legislation in the form of an amendment to make paintball the safest sport possible.

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-198

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Levdansky, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder

Table with 4 columns of names: Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roberts, Roebuck, Rohrer, Rooney, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Surla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, True, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Watson, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Table with 3 columns of names: Rieger, Ross, Wheatley

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. The gentleman, Mr. Belfanti, calls up an amendment, which the clerk will— Mr. Belfanti, are you offering a second amendment?

Mr. BELFANTI. Mr. Speaker, I am withdrawing my other amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger                      Ross                      Wheatley

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 1597, PN 2207**, entitled:

An Act providing for registration of private care residences and for background checks; imposing duties on the Department of Public Welfare; and imposing penalties.

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

**BILL RECOMMENDED**

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1597, PN 2207, be recommitted to the Committee on Aging and Older Adult Services.

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

\* \* \*

The House proceeded to third consideration of **SB 248, PN 705**, entitled:

An Act amending the act of August 11, 1967 (P.L.205, No.69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending the date for validation of certain conveyances and other instruments.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Levdansky	Rubley
Allen	Feese	Mackereth	Ruffing
Argall	Fichter	Maher	Sainato
Armstrong	Fleagle	Maitland	Samuelson

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

\* \* \*

The House proceeded to third consideration of **SB 600, PN 671**, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Indiana County, being conveyed by the county in return for the imposition of Project 70 restrictions on certain

land being conveyed to the county by the Department of Transportation.

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

Mr. **B. SMITH** offered the following amendment No. **A01504**:

Amend Sec. 1, page 1, line 16, by striking out “and deeded to” and inserting

for

Amend Sec. 1, page 2, line 8, by striking out “owned” and inserting

acquired

Amend Sec. 1, page 2, line 9, by striking out “and being conveyed to” and inserting

for

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman, Mr. Smith. The gentleman waives off.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger	Ross	Wheatley
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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-198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

**VOTE CORRECTION**

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

Mr. NAILOR. Thank you, Mr. Speaker.

I wonder if I could correct the record.

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

Mr. NAILOR. Thank you.

On HB 720, final passage, I was recorded in the affirmative and would like to be recorded in the negative.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1749, PN 2239**, entitled:

An Act designating State Route 132 in Bucks County as the Armed Forces and Veterans Memorial Highway.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—198

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

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

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

\* \* \*

The House proceeded to third consideration of **SB 721, PN 865**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I wonder if we could find someone to give a brief explanation of this bill.

The SPEAKER pro tempore. Would the gentleman, Mr. Geist, answer the interrogation of the gentleman, Mr. Vitali? He indicates that he will do so.

Mr. Vitali, as soon as he is at a microphone, you may begin. As soon as Mr. Geist is at a microphone, you may begin.

Mr. GEIST. Thank you, Mr. Speaker.

Mr. VITALI. Thank you, Mr. Speaker.

Because this did not appear in our pre-session report, I am asking for an explanation of it. I have no reason to suspect there is anything amiss. I just simply need an explanation. So if the gentleman, Mr. Geist, could give an explanation, that would be appreciated.

Mr. GEIST. Thank you, Mr. Speaker.

I believe that you caucused on these bills, and I am sure that Paul Parsells gave a wonderful explanation in caucus. They are simple naming bills – a scenic byway, two of them, Wyoming and Susquehanna Counties – and they are the ordinary business that we do in the House.

Mr. VITALI. Just naming; nothing substantive beyond just naming?

Mr. GEIST. I am sorry. I cannot hear you, Mr. Speaker, at all.

Mr. VITALI. My question was, just naming issues. Nothing of substance here?

Mr. GEIST. No, sir, Mr. Speaker, and you voted on this last term. It passed the House 201 to nothing.

Mr. VITALI. Thank you, Mr. Speaker.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

RESOLUTIONS

Mr. GERBER called up **HR 346, PN 2146**, entitled:

A Resolution memorializing the Congress of the United States to pass and the President of the United States to sign Violence Against Women Act reauthorization legislation and to reaffirm our commitment to helping victims of violent crimes.

On the question,  
Will the House adopt the resolution?

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

Mr. GERBER. Thank you, Mr. Speaker.

I would like to briefly explain the importance of this resolution and thank those that are championing this issue with me. As to the importance, I believe we have a moral obligation to protect—

The SPEAKER pro tempore. Will the gentleman suspend for just a minute.

Mr. GERBER. Yes, Mr. Speaker.

The SPEAKER pro tempore. We are getting a little loud again.

Members, please. Members out of their seat, please find it.

The Chair apologizes to the gentleman, Mr. Gerber. He may proceed.

Mr. GERBER. Thank you, Mr. Speaker.

As I was saying, I believe we have a moral obligation to protect all citizens of Pennsylvania, and according to the Pennsylvania Coalition Against Domestic Violence, more than 150 Pennsylvanians died as a result of domestic violence. Five of those deaths occurred in my home county, Montgomery County, and that does not reflect the thousands of people who are victims of domestic violence but survive nonetheless. In fact, a third of American women report being the victims of violence, and I believe that means we have epidemic proportions. But VAWA has helped, and VAWA is the Violence Against Women Act.

Since 1999 the number of victims requesting and receiving services has climbed nearly 50 percent, Mr. Speaker. Mr. Speaker, I have a personal background with this issue, having worked with abused and neglected children off and on since 1995. Whether the children themselves are abused or witnessed the abuse, the abuse is devastating to their family experience and their family relationships. I liken it to cancer, Mr. Speaker, which eats away at our body one cell at a time. Domestic violence takes over families one at a time, and families are the fabric of our society.

But putting aside our moral obligation, we need to do this for the fiscal health of the Commonwealth and our municipalities. VAWA has provided more than \$100 million worth of funding just last year, in 2004, for our police forces and our county courts.

I think the case for this is clear, and I think we need to act as a body to send a message to Washington, DC, that this is important to our constituents.

Mr. Speaker, I would like to thank people that are working on this night and day. Our U.S. Senator, Senator Arlen Specter, along with Pennsylvania native Senator Joe Biden are leading a bipartisan group of legislators in Washington, DC, to make sure this important legislation is reauthorized. Here in our chamber Representative Kathy Manderino and Representative Katie True, who led us to pass important legislation to improve our protection-from-abuse legislation, have provided me with great motivation and support, and I thank them for that. I would also like to thank the chairman of the Judiciary Committee, Representative Dennis O'Brien. Denny cooperated greatly with me and helped me bring this to fruition.

And finally, I would like to thank all my colleagues in the House that have cosponsored this legislation, both Democrats and Republicans. Mr. Speaker, I have enjoyed the opportunity to work on something that has brought us all together, particularly after the experiences we have had this week, which my leader, I think, would call cantankerous at worst. It has been nice to be on something that has brought people together, both Democrats and Republicans.

So thank you to all of you that have cosponsored this and are working on this important issue.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question is, will the House adopt the resolution? Those in favor—

Ms. Manderino, the Chair regrets that it did not see you and apologizes for that, and you are recognized to speak on the resolution.

Ms. MANDERINO. Thank you, Mr. Speaker.

I just want to commend Representative Gerber for HR 346. It very much complements what we in the House did last week with our legislation updating the Protection From Abuse Act, and it will be wonderful if we go home by the end of this week with that bill on the Governor's desk and this resolution on its way to Washington.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

\* \* \*

Mr. FLICK called up **HR 351, PN 2359**, entitled:

A Resolution establishing a select committee to investigate and review the policies, procedures and practices in place by the various Commonwealth agencies, authorities, boards, commissions, councils, departments and offices and the entities they license or regulate to protect the personal health, financial and other sensitive data of the citizens of this Commonwealth.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger                      Ross                      Wheatley

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

\* \* \*

Mr. S. SMITH called up **SR 131, PN 938**, entitled:

A Concurrent Resolution directing the Legislative Budget and Finance Committee to conduct a comprehensive study and review of veterans services in Pennsylvania, exploring a broad range of options on how best to organize, fund, staff and operate veterans programs in order to provide the best possible services to Pennsylvania veterans and their families in the most cost-effective and efficient manner.

On the question,  
Will the House concur in the resolution of the Senate?

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

Mr. SEMMEL. Thank you, Mr. Speaker.

SR 131 is the product of numerous meetings that Chairman Tigue and myself have had with the Governor, DMVA (Department of Military and Veterans Affairs), our respective counterpart chairmen in the Senate, and the Pennsylvania State Veterans' Commission and the Pennsylvania War Veterans Council.

It was agreed by these groups, again, with the support of the veterans service organizational leaders, to draft and adopt a resolution to direct the Legislative Budget and Finance Committee to conduct a study on the feasibility of creating a separate Department of Veterans Affairs as well as an in-depth study on the Commonwealth's current veterans benefit programs and a review of our veterans outreach services programs.

Mr. Speaker, I want to commend Chairman Don White for his drafting of this resolution and further commend Chairman Tigue and his staff for working closely with me and my staff on this important and much-needed resolution.

I urge the members to vote in the affirmative on SR 131. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—198

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



Denlinger	Keller, M.	Quigley	Williams
Dermody	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnarowski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger	Ross	Wheatley
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The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON THIRD CONSIDERATION**

Mr. S. SMITH called up **SB 511, PN 1027**, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing, in Family Savings Account Program, for definitions and for administration; and further providing, in technology work experience, for definitions, for approved courses, for emerging technology companies, for responsibility of approved educational institutions and for eligible interns.

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 gentleman, Mr. Evans, for the purpose of suspending the rules.

Mr. D. EVANS. Mr. Speaker, I would like to make a motion to suspend the rules for the purpose of amendment A2595 and ask that members vote for the suspension of this rule. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Evans, moves that the rules be suspended for the offering of amendment 2595 to SB 511.

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

The following roll call was recorded:

YEAS-198

Adolph	Fairchild	Levdansky	Ruble
Allen	Feese	Mackereth	Ruffing
Argall	Fichter	Maher	Sainato
Armstrong	Fleagle	Maitland	Samuelson
Baker	Flick	Major	Santoni

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

Mr. D. EVANS offered the following amendment No. **A02595**:

Amend Sec. 1, page 1, line 23; page 2, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "approved plan" and "saver" in section 2101 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, amended June 22, 2000 (P.L.310, No.29), are amended to read:

Amend Sec. 1 (Sec. 2101), page 2, by inserting between lines 15 and 16

“Saver.” An individual or family who resides in this Commonwealth and whose total annual income at the time of enrollment is not more than 200% of the Federal poverty standard or not more than 80% of area median income, whichever is greater, and who has applied for enrollment in the program.

\*\*\*

Amend Sec. 2 (Sec. 2102), page 3, line 2, by inserting brackets before and after “OR THE NEXT” and inserting immediately thereafter

through the second succeeding

Amend Sec. 2 (Sec. 2102), page 3, line 6, by inserting brackets before and after “OR THE NEXT” and inserting immediately thereafter

through the second succeeding

Amend Sec. 2 (Sec. 2102), page 3, line 10, by inserting a bracket before “OR”

Amend Sec. 2 (Sec. 2102), page 3, line 11, by striking out the bracket before “NEXT”

Amend Sec. 2 (Sec. 2102), page 3, line 11, by inserting after “[NEXT]”

through the

Amend Sec. 4, page 8, lines 25 through 30; page 9, lines 1 through 3, by striking out all of said lines on said pages and inserting Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, Mr. Evans is recognized.

Mr. D. EVANS. Mr. Speaker, the amendment that I am offering here today, basically what it does is change the definition of “saver” to allow to enroll the eligible for this purpose.

As most of you may be aware, I worked on the task force with the Governor of helping working families. Basically this would expand the definition of “approved plan” for changing the contribution period.

I hope the members can support it on both sides of the aisle. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Is anyone else seeking recognition on this amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger	Ross	Wheatley
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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—198

Adolph	Fairchild	Levdansky	Ruble
Allen	Feese	Mackereth	Ruffing
Argall	Fichter	Maher	Sainato
Armstrong	Fleagle	Maitland	Samuelson

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger Ross Wheatley

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

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

SUPPLEMENTAL CALENDAR A

RESOLUTION

Mr. FLICK called up HR 365, PN 2330, entitled:

A Resolution urging the Congress of the United States to refrain from taking action in developing legislation that would have the effect

of preventing or hindering the exploration, drilling, development and production of natural gas in the Great Lakes.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger Ross Wheatley

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

**SUPPLEMENTAL CALENDAR C**

**RESOLUTION PURSUANT TO RULE 35**

Mr. BASTIAN called up **HR 390, PN 2436**, entitled:

A Resolution commemorating the third anniversary of the miracle at Quecreek Mine, Somerset County, from July 24 through 27, 2005.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—198**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—3**

Rieger                      Ross                      Wheatley

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

**CALENDAR CONTINUED**

**RESOLUTION PURSUANT TO RULE 35**

Mr. ALLEN called up **HR 388, PN 2413**, entitled:

A Resolution designating September 25, 2005, as "Unity Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—198**

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

Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 86, PN 665**, entitled:

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

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

Mrs. **GINGRICH** offered the following amendment No. **A02591**:

Amend Title, page 1, line 2, by inserting after "Statutes," consolidating The Support Law; further providing for property of persons liable for support expenses;

Amend Title, page 1, line 3, by removing the period after "received" and inserting  
; and making a repeal related to the consolidation of The Support Law.

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

#### CHAPTER 46 SUPPORT OF THE INDIGENT

Sec.

4601. Scope.

4602. Definitions.

4603. Relatives' liability; procedure.

4604. Property liable for expenses.

4605. Recovery of money.

4606. Guardian.

§ 4601. Scope.

This chapter relates to support of indigent persons.

§ 4602. Definitions.

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

"Court." A court of common pleas and the Philadelphia Municipal Court.

"Department." The Department of Public Welfare of the Commonwealth.

§ 4603. Relatives' liability; procedure.

(a) Liability.—

(1) Except as set forth in paragraph (2), all of the following individuals have the responsibility to care for and maintain or financially assist an indigent person, regardless of whether the indigent person is a public charge:

(i) The spouse of the indigent person.

(ii) A child of the indigent person.

(iii) A parent of the indigent person.

(2) Paragraph (1) does not apply in any of the following cases:

(i) If an individual does not have sufficient financial ability to support the indigent person.

(ii) A child shall not be liable for the support of a parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.

(b) Amount.—

(1) Except as set forth in paragraph (2), the amount of liability shall be set by the court in the judicial district in which the indigent person resides.

(2) For medical assistance for the aged other than public nursing home care, as provided in section 401 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, the following apply:

(i) Except as set forth in subparagraph (ii), the amount of liability shall, during any 12-month period, be the lesser of:

(A) six times the excess of the liable individual's average monthly income over the amount required for the reasonable support of the liable individual and other persons dependent upon the liable individual; or

(B) the cost of the medical assistance for the aged.

(ii) The department may, by reasonable regulations, adjust the liability under subparagraph (i), including complete elimination of the liability, at a cost to the Commonwealth not exceeding those funds certified by the Secretary of the Budget as available for this purpose.

(c) Procedure.—A court has jurisdiction in a case under this section upon petition of:

(1) an indigent person; or

(2) any other person or public body or public agency having any interest in the care, maintenance or assistance of such indigent person.

(d) Contempt.—

(1) If an individual liable for support under this section fails to comply with an order under this section, the court shall schedule a contempt hearing. At the hearing, if the court determines that the individual liable for support has intentionally failed to comply with the order, the court may hold the individual in contempt of court and may sentence the individual to up to six months imprisonment.

(2) This subsection applies regardless of whether the indigent person is confined in a public institution.

§ 4604. Property liable for expenses.

(a) General rule.—Except as limited by subsection (c), the following apply:

(1) Subject to paragraph (2), the personal property of an indigent person shall be liable for the expenses incurred by a public body or public agency for the support, maintenance, assistance and burial of:

(i) the indigent person;

(ii) the spouse of the indigent person; and

(iii) each unemancipated child of the indigent person.

(2) Paragraph (1) applies to personal property if:

(i) the property was owned during the time the expenses were incurred; or

(ii) during the time the expenses were incurred, there existed a cause of action which resulted in the ownership of the property.

(b) Suit.—

(1) A public body or public agency may sue the owner of property referred to in this subsection for money expended.

(2) Except as set forth in paragraph (3) or subsection (c), the following apply:

(i) A judgment obtained under this subsection shall be a lien upon the estate of the defendant and may be collected as other judgments.

(ii) A claim under this section shall have the force and effect against the real and personal estate of a deceased person as other debts of a decedent and shall be ascertained and recovered in the same manner.

(3) Paragraph (2)(i) does not apply to the real and personal property comprising the home and furnishings of the defendant.

(c) Lien prohibited.—Except pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of an individual, no lien may be imposed against the real property which is the primary residence of any individual or of the individual's spouse on account of assistance paid or to be paid on the individual's behalf.

(d) Lien against proceeds.—In order to carry out the purposes of this section, the department shall have a first lien against the proceeds of any cause of action that existed during the time an individual, his spouse or his unemancipated children received cash assistance. Unless otherwise directed by the department, no payment or distribution shall be made to a claimant or claimant's designee of the proceeds of any action, claim or settlement where the department has an interest without first satisfying or assuring the satisfaction of the interest of the Commonwealth. Any person who, after receiving notice of the department's interest, knowingly fails to comply with this subsection shall be liable to the department; and the department may sue and recover from the person.

§ 4605. Recovery of money.

(a) Recovery.—Whenever any person shall become a public charge or receive public assistance, the public body or public agency caring for or furnishing the assistance to the person may sue for and recover any sum of money which is due the person.

(b) Manner of suit.—A suit under subsection (a) shall be brought in the name of the person for the use of the public body or public agency. Proof that the person to whom the money is due became a public charge, or was publicly assisted, shall be conclusive proof of the right to recover whatever may be legally due the person. If the amount due has been reduced to judgment, the public body or public agency may be substituted as plaintiff in the judgment. If the amount due is founded on an order or decree of a court, the public body or public agency shall have the right to recover the amount.

(c) Self-support.—If a person becomes self-supporting or supported by a relative or friend, any money recovered and not expended in the care or assistance of the person shall belong to the person. In the case of the person's death, money not expended for the person's care, assistance and burial shall belong to the person's estate.

§ 4606. Guardian.

(a) Petition.—Any public body or public agency caring for or assisting any indigent person may petition the court of common pleas, if the person is of full age, or the orphans' court, if the person is a minor, for a rule to show cause why the public body, public agency or some other person appointed by the court should not become the legal guardian of the person and property of the person. The petition shall have attached an inventory of the property of the person. The court shall schedule a hearing on the matter and shall serve notice of the hearing upon the person.

(b) Order.—After conducting a hearing pursuant to subsection (a), the court may issue an order constituting the public body, public agency or some other person, guardian of the person and the estate of the person, whether or not all of the estate was enumerated in the inventory provided under subsection (a). The proceedings and order shall be indexed in the name of the person pursuant to court rules.

(c) Discharge.—

(1) No person for whom a guardian has been appointed under this section shall be discharged from the guardianship until the person has petitioned the court for termination. The court may terminate the guardianship if it is satisfied that:

(i) the person has become able and willing to resume control of the person's own person and estate; and

(ii) the public body or public agency has been fully reimbursed for the expense of the person's care or assistance or that all of the person's estate has been expended for the reimbursement.

(2) The cost of the proceedings under this subsection shall be paid by the petitioner, unless otherwise ordered by the court.

(d) Leases permitted.—Under the supervision of the appropriate court, a guardian may lease the real estate of any person for a term of years and receive and apply the proceeds of the lease to defray the expenses incurred in the care or assistance and burial of the person. The balance of the proceeds shall be paid to the person upon termination of the guardianship or to the legal representatives of the person after the person's death.

Section 2. Section 6334 of Title 23 is amended by adding a subsection to read:

Amend Bill, page 2, by inserting between lines 11 and 12

Section 3. The act of June 24, 1937 (P.L.2045, No.397), known as The Support Law, is repealed.

Section 4. The addition of 23 Pa.C.S. Ch. 46 is a continuation of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law. The following apply:

(1) Except as otherwise provided in 23 Pa.C.S. Ch. 46, all activities initiated under The Support Law shall continue and remain in full force and effect and may be completed under 23 Pa.C.S. Ch. 46. Orders, regulations and decisions which were made under The Support Law and which are in effect on the effective date of section 2 of this act shall remain in full force and effect until revoked, vacated or modified under 23 Pa.C.S. Ch. 46. Contracts, obligations and agreements entered into under The Support Law are not affected nor impaired by the repeal of The Support Law.

(2) No provision of The Support Law which was suspended by order of the Supreme Court shall be revived by the addition of 23 Pa.C.S. Ch. 46.

(3) Except as set forth in paragraph (4), any difference in language between 23 Pa.C.S. Ch. 46 and The Support Law is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of The Support Law.

(4) Paragraph (3) does not apply to the addition of 23 Pa.C.S. § 4604(c) and (d).

(5) Any reference in a statute or a regulation to The Support Law shall be deemed a reference to 23 Pa.C.S. Ch. 46.

Amend Sec. 2, page 2, line 12, by striking out "2" and inserting

5

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger	Ross	Wheatley
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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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

\* \* \*

The House proceeded to third consideration of **SB 149, PN 217**, entitled:

An Act providing for the Hazardous Sites Cleanup Fund, for its funding and for expenditures from the fund; and making repeals.

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?

### POINT OF ORDER

The SPEAKER pro tempore. On that question, the gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Point of order, Mr. Speaker.

I do not see a number on the screen or a bill on the computer printout.

The SPEAKER pro tempore. The bill number is SB 149. Is that available now, Mr. Vitali?

Mr. VITALI. It is up now, and I would like to speak on that.

The SPEAKER pro tempore. The gentleman is in order and may begin.

Mr. VITALI. Well, could I initially get a brief explanation from someone on this one?

The SPEAKER pro tempore. Mr. Adolph is the chairman of the House committee that probably dealt with that bill, and I was wondering if Mr. Adolph would like to answer the interrogation of the gentleman, Mr. Vitali.

### BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair is going to go over that bill temporarily, Mr. Vitali. We will come back to it.

\* \* \*

The House proceeded to third consideration of **HB 1312, PN 1864**, entitled:

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

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

The SPEAKER pro tempore. The gentleman, Mr. Tangretti, has an amendment to that bill. Mr. Tangretti?

It is the understanding of the Chair that Mr. Tangretti is withdrawing that amendment. Mr. Tangretti, have you withdrawn that amendment? The Chair thanks the gentleman.

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

Mr. YUDICHAK offered the following amendment No. **A01038**:

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

Amend Bill, page 1, lines 14 through 16, 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.

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

Amend Sec. 2, page 3, line 27, by striking out "2" and inserting 3

Amend Sec. 3, page 3, line 30, by striking out "3" and inserting 4

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

The following roll call was recorded:

YEAS-198

Adolph	Fairchild	Levdansky	Rubley
Allen	Feese	Mackereth	Ruffing
Argall	Fichter	Maher	Sainato
Armstrong	Fleagle	Maitland	Samuelson
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Bianucci	Gerber	Mcllhattan	Siptroth
Birmelin	Gergely	Mcllhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causser	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas

Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Williams
Dermody	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnarowski
DiGirolo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome some visitors who are the guests of Representative Peter Daley. They are seated in the balcony, and if they would please rise as I mention their names - Charles Wallrab, Joyce Wallrab, and Charles Wallrab, Jr. We welcome you to the Capitol in Harrisburg.

CONSIDERATION OF HB 1312 CONTINUED

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

The SPEAKER pro tempore. The gentleman, Mr. Levdansky, has several amendments to this bill. Mr. Levdansky, would you indicate which amendment you would like to offer first.

Mr. LEVDANSKY. Mr. Speaker, I would like to offer A1044.

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

Mr. LEVDANSKY offered the following amendment No. A01044:

Amend Title, page 1, line 10, by inserting after "penalties," further providing for the imposition and rate of the sales and use tax and for transfers to the Public Transportation Assistance Fund;

designating certain sales and use tax revenue for transfer to the Education Operating Fund;

Amend Title, page 1, line 10, by striking out “in capitol stock franchise tax,”

Amend Title, page 1, line 11, by striking out “and” and inserting a comma

Amend Title, page 1, line 11, by removing the period after “expiration” and inserting

, for the imposition and rate of the State Real Estate Transfer Tax and for the disposition of certain moneys raised by the Local Real Estate Transfer Tax.

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

Section 1. Section 201(k)(4) and (o)(4) and (8) 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) and April 23, 1998 (P.L.239, No.45), are 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:

\*\*\*

(k) “Sale at retail.”

\*\*\*

(4) The rendition for a consideration of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property [other than] including, but not limited to, wearing apparel or shoes, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property [except] including, but not limited to, wearing apparel or shoes for a consideration, whether or not the services are performed directly or by any means other than by coin-operated self-service laundry equipment for wearing apparel or household goods and whether or not any tangible personal property is transferred in conjunction therewith[, except such services as are rendered in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such services in the preparation for sale of new items which are excluded from the tax under clause (26) of section 204, or upon diaper service.]

\*\*\*

(o) “Use.”

\*\*\*

(4) The obtaining by a purchaser of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property [other than] including, but not limited to, wearing apparel or shoes or applying or installing tangible personal property as a repair or replacement part of other tangible personal property [other than] including, but not limited to, wearing apparel or shoes, whether or not the services are performed directly or by any means other than by means of coin-operated self-service laundry equipment for wearing apparel or household goods, and whether or not any tangible personal property is transferred to the purchaser in conjunction therewith[, except such services as are obtained in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such services in the preparation for sale of new items which are excluded from the tax under clause (26) of section 204, or upon diaper service: And provided further, That the]. The term “use” shall not include—

(A) Any tangible personal property acquired and kept, retained or over which power is exercised within this Commonwealth on which the taxing of the storage, use or other consumption thereof is expressly prohibited by the Constitution of the United States or which is excluded from tax under other provisions of this article.

(B) The use or consumption of tangible personal property, including but not limited to machinery and equipment and parts

therefor, and supplies or the obtaining of the services described in subclauses (2), (3) and (4) of this clause directly in the operations of—

(i) The manufacture of tangible personal property.

(ii) Farming, dairying, agriculture, horticulture or floriculture when engaged in as a business enterprise. The term “farming” shall include the propagation and raising of ranch-raised furbearing animals and the propagation of game birds for commercial purposes by holders of propagation permits issued under 34 Pa.C.S. (relating to game) and the propagation and raising of horses to be used exclusively for commercial racing activities.

(iii) The producing, delivering or rendering of a public utility service, or in constructing, reconstructing, remodeling, repairing or maintaining the facilities which are directly used in producing, delivering or rendering such service.

(iv) Processing as defined in subclause (d) of this section.

The exclusions provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to any vehicle required to be registered under The Vehicle Code except those vehicles directly used by a public utility engaged in the business as a common carrier; to maintenance facilities; or to materials, supplies or equipment to be used or consumed in the construction, reconstruction, remodeling, repair or maintenance of real estate other than directly used machinery, equipment, parts or foundations therefor that may be affixed to such real estate. The exclusions provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to tangible personal property or services to be used or consumed in managerial sales or other nonoperational activities, nor to the purchase or use of tangible personal property or services by any person other than the person directly using the same in the operations described in subparagraphs (i), (ii), (iii) and (iv).

The exclusion provided in subparagraph (iii) shall not apply to (A) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain facilities not used directly by the purchaser in the production, delivering or rendition of public utility service or (B) tools and equipment used but not installed in the maintenance of facilities used directly in the production, delivering or rendition of a public utility service.

The exclusion provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to the services enumerated in clauses (o)(9) through (16) and (w) through (kk), except that the exclusion provided in subparagraph (ii) for farming, dairying and agriculture shall apply to the service enumerated in clause (z).

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[(8) The term “use” shall not include the providing of a motor vehicle to a nonprofit private or public school to be used by such a school for the sole purpose of driver education.]

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Section 2. Section 202 of the act, amended September 9, 1971 (P.L.437, No.105), October 4, 1978 (P.L.987, No.201), April 23, 1998 (P.L.239, No.45), May 24, 2000 (P.L.106, No.23) and June 29, 2002 (P.L.559, No.89), is amended to read:

Section 202. Imposition of Tax.—(a) There is hereby imposed upon each separate sale at retail of tangible personal property or services, as defined herein, within this Commonwealth a tax of [six] five per cent of the purchase price, which tax shall be collected by the vendor from the purchaser, and shall be paid over to the Commonwealth as herein provided.

(b) There is hereby imposed upon the use[, on and after the effective date of this article,] within this Commonwealth of tangible personal property purchased at retail [on or after the effective date of this article,] and on those services described herein purchased at retail on and after [the effective date of this article] January 1, 2006, a tax of [six] five per cent of the purchase price, which tax shall be paid to the Commonwealth by the person who makes such use as herein provided, except that such tax shall not be paid to the Commonwealth by such person where he has paid the tax imposed by subsection (a) of this section or has paid the tax imposed by this subsection (b) to the vendor with respect to such use. [The tax at the rate of six per cent imposed by

this subsection shall not be deemed applicable where the tax has been incurred under the provisions of the "Tax Act of 1963 for Education.")

(c) Notwithstanding any other provisions of this article, the tax with respect to telecommunications service within the meaning of clause (m) of section 201 of this article shall[, except for telegrams paid for in cash at telegraph offices,] be computed at the rate of [six] five per cent upon the total amount charged to customers for such services, irrespective of whether such charge is based upon a flat rate or upon a message unit charge[, but in no event shall charges for telephone calls paid for by inserting money into a telephone accepting direct deposits of money to operate be subject to this tax]. A telecommunications service provider shall have no responsibility or liability to the Commonwealth for billing, collecting or remitting taxes that apply to services, products or other commerce sold over telecommunications lines by third-party vendors. To prevent actual multistate taxation of interstate telecommunications service, any taxpayer, upon proof that the taxpayer has paid a similar tax to another state on the same interstate telecommunications service, shall be allowed a credit against the tax imposed by this section on the same interstate telecommunications service to the extent of the amount of such tax properly due and paid to such other state.

(d) Notwithstanding any other provisions of this article, the sale or use of food and beverages dispensed by means of coin operated vending machines shall be taxed at the rate of [six] five per cent of the receipts collected from any such machine which dispenses food and beverages heretofore taxable.

(e) (1) Notwithstanding any provisions of this article, the sale or use of prepaid telecommunications evidenced by the transfer of tangible personal property shall be subject to the tax imposed by subsections (a) and (b).

(2) The sale or use of prepaid telecommunications not evidenced by the transfer of tangible personal property shall be subject to the tax imposed by subsections (a) and (b) and shall be deemed to occur at the purchaser's billing address.

(3) Notwithstanding clause (2), the sale or use of prepaid telecommunications service not evidenced by the transfer of tangible personal property shall be taxed at the rate of [six] five per cent of the receipts collected on each sale if the service provider elects to collect the tax imposed by this article on receipts of each sale. The service provider shall notify the department of its election and shall collect the tax on receipts of each sale until the service provider notifies the department otherwise.

(e.1) (1) Notwithstanding any other provision of this article, the sale or use of prepaid mobile telecommunications service evidenced by the transfer of tangible personal property shall be subject to the tax imposed by subsections (a) and (b).

(2) The sale or use of prepaid mobile telecommunications service not evidenced by the transfer of tangible personal property shall be subject to the tax imposed by subsections (a) and (b) and shall be deemed to occur at the purchaser's billing address or the location associated with the mobile telephone number or the point of sale, whichever is applicable.

(3) Notwithstanding clause (2), the sale or use of prepaid mobile telecommunications service not evidenced by the transfer of tangible personal property shall be taxed at the rate of [six] five per cent of the receipts collected on each sale if the service provider elects to collect the tax imposed by this article on receipts of each sale. The service provider shall notify the department of its election and shall collect the tax on receipts of each sale until the service provider notifies the department otherwise.

(f) Notwithstanding any other provision of this article, tax with respect to sales of prebuilt housing shall be imposed on the prebuilt housing builder at the time of the prebuilt housing sale within this Commonwealth and shall be paid and reported by the prebuilt housing builder to the department in the time and manner provided in this article: Provided, however, That a manufacturer of prebuilt housing may, at its option, precollect the tax from the prebuilt housing builder at the time of sale to the prebuilt housing builder. In any case where

prebuilt housing is purchased and the tax is not paid by the prebuilt housing builder or precollected by the manufacturer, the prebuilt housing purchaser shall remit tax directly to the department if the prebuilt housing is used in this Commonwealth without regard to whether the prebuilt housing becomes a real estate structure.

(g) Notwithstanding any other provisions of this article and in accordance with the Mobile Telecommunications Sourcing Act (4 U.S.C. § 116), the sale or use of mobile telecommunications services which are deemed to be provided to a customer by a home service provider under section 117(a) and (b) of the Mobile Telecommunications Sourcing Act shall be subject to the tax of [six] five per cent of the purchase price, which tax shall be collected by the home service provider from the customer, and shall be paid over to the Commonwealth as herein provided if the customer's place of primary use is located within this Commonwealth, regardless of where the mobile telecommunications services originate, terminate or pass through. For purposes of this subsection, words and phrases used in this subsection shall have the same meanings given to them in the Mobile Telecommunications Sourcing Act.

Section 3. Section 203 of the act is amended to read:

Section 203. Computation of Tax.—The amount of tax imposed by section 202 of this article shall be computed as follows:

[(a) If the purchase price is ten cents (10¢) or less, no tax shall be collected.

(b) If the purchase price is eleven cents (11¢) or more but less than eighteen cents (18¢), one cent (1¢) shall be collected.

(c) If the purchase price is eighteen cents (18¢) or more but less than thirty-five cents (35¢), two cents (2¢) shall be collected.

(d) If the purchase price is thirty-five cents (35¢) or more but less than fifty-one cents (51¢), three cents (3¢) shall be collected.

(e) If the purchase price is fifty-one cents (51¢) or more but less than sixty-eight cents (68¢), four cents (4¢) shall be collected.

(f) If the purchase price is sixty-eight cents (68¢) or more but less than eighty-five cents (85¢), five cents (5¢) shall be collected.

(g) If the purchase price is eighty-five cents (85¢) or more but less than one dollar and one cent (\$1.01), six cents (6¢) shall be collected.

(h) If the purchase price is more than one dollar (\$1.00), six per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected.]

(a) If the purchase price is seventeen cents (17¢) or less, no tax shall be collected.

(b) If the purchase price is eighteen cents (18¢) or more but less than thirty-three cents (33¢), one cent (1¢) shall be collected.

(c) If the purchase price is thirty-three cents (33¢) or more but less than forty-nine cents (49¢), two cents (2¢) shall be collected.

(d) If the purchase price is forty-nine cents (49¢) or more but less than sixty-five cents (65¢), three cents (3¢) shall be collected.

(e) If the purchase price is sixty-five cents (65¢) or more but less than eighty-one cents (81¢), four cents (4¢) shall be collected.

(f) If the purchase price is more than eighty-one cents (81¢) but less than one dollar and one cent (\$1.01), five per cent shall be collected.

(g) If the purchase price is more than one dollar (\$1.00), five per cent of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected.

(h) The tax collected under section 202 shall be deposited into the Education Operating Fund.

Section 4. Section 204 of the act, amended or repealed August 31, 1971 (P.L.362, No.93), July 20, 1974 (P.L.535, No.183), October 17, 1974 (P.L.756, No.255), December 14, 1977 (P.L.322, No.93), October 27, 1979 (P.L.242, No.79), December 8, 1980 (P.L.1117, No.195), December 16, 1980 (P.L.1240, No.223), October 22, 1981 (P.L.314, No.109), June 23, 1982 (P.L.610, No.172), December 9, 1982 (P.L.1047, No.246), July 21, 1983 (P.L.63, No.29), December 19, 1985 (P.L.354, No.100), July 13, 1987 (P.L.317, No.58),

August 4, 1991 (P.L.97, No.22), December 13, 1991 (P.L.373, No.40), June 16, 1994 (P.L.279, No.48), June 30, 1995 (P.L.139, No.21), May 7, 1997 (P.L.85, No.7), April 23, 1998 (P.L.239, No.45), May 12, 1999 (P.L.26, No.4), May 24, 2000 (P.L.106, No.23), December 20, 2000 (P.L.841, No.119), June 22, 2001 (P.L.353, No.23), June 29, 2002 (P.L.559, No.89) and December 23, 2003 (P.L.250, No.46), is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon any of the following:

(1) The sale at retail or use of tangible personal property (other than motor vehicles, trailers, semi-trailers, motor boats, aircraft or other similar tangible personal property required under either Federal law or laws of this Commonwealth to be registered or licensed) or services sold by or purchased from a person not a vendor in an isolated transaction or sold by or purchased from a person who is a vendor but is not a vendor with respect to the tangible personal property or services sold or purchased in such transaction: Provided, That inventory and stock in trade so sold or purchased, shall not be excluded from the tax by the provisions of this subsection.

(2) The use of tangible personal property purchased by a nonresident person outside of, and brought into this Commonwealth for use therein for a period not to exceed seven days, or for any period of time when such nonresident is a tourist or vacationer and, in either case not consumed within the Commonwealth.

(3) The use of tangible personal property purchased outside this Commonwealth for use outside this Commonwealth by a then nonresident natural person or a business entity not actually doing business within this Commonwealth, who later brings such tangible personal property into this Commonwealth in connection with his establishment of a permanent business or residence in this Commonwealth: Provided, That such property was purchased more than six months prior to the date it was first brought into this Commonwealth or prior to the establishment of such business or residence, whichever first occurs. This exclusion shall not apply to tangible personal property temporarily brought into Pennsylvania for the performance of contracts for the construction, reconstruction, remodeling, repairing and maintenance of real estate.

(4) The sale at retail or use of disposable diapers; pre-moistened wipes; incontinence products; colostomy deodorants; toilet paper; sanitary napkins, tampons or similar items used for feminine hygiene; or toothpaste, toothbrushes or dental floss.

(5) The sale at retail or use of steam, natural and manufactured and bottled gas, fuel oil, electricity or intrastate subscriber line charges, basic local telephone service or telegraph service when purchased directly by the user thereof solely for his own residential use and charges for telephone calls paid for by inserting money into a telephone accepting direct deposits of money to operate.]

(10) The sale at retail [to or use] by (i) any charitable organization, volunteer firemen's organization or nonprofit educational institution, or (ii) a religious organization for religious purposes of tangible personal property or services other than pursuant to a construction contract: Provided, however, That the exclusion of this clause shall not apply with respect to any tangible personal property or services used in any unrelated trade or business carried on by such organization or institution or with respect to any materials, supplies and equipment used and transferred to such organization or institution in the construction, reconstruction, remodeling, renovation, repairs and maintenance of any real estate structure, other than building machinery and equipment, except materials and supplies when purchased by such organizations or institutions for routine maintenance and repairs.

(11) The sale at retail, or use of gasoline and other motor fuels, the sales of which are otherwise subject to excise taxes under [the act of May 21, 1931 (P.L.194), known as the "Liquid Fuels Tax Act," and the act of January 14, 1952 (P.L.1965), known as the "Fuel Use Tax Act." ] 75 Pa.C.S. Ch. 90 (relating to Liquid Fuels and Fuels Tax).

(12) The sale at retail to, or use by the United States, this Commonwealth or its instrumentalities or political subdivisions or private schools or parochial schools of tangible personal property or

services. The clause includes the sale at retail to persons who operate a home education program of tangible personal property or services exclusively for the home education program.

[(13) The sale at retail, or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers and all other wrapping supplies, when such use is incidental to the delivery of any personal property, except that any charge for wrapping or packaging shall be subject to tax at the rate imposed by section 202.

(14) Sale at retail or use of vessels designed for commercial use of registered tonnage of fifty tons or more when produced by the builders thereof upon special order of the purchaser.

(15) Sale at retail of tangible personal property or services used or consumed in building, rebuilding, repairing and making additions to or replacements in and upon vessels designed for commercial use of registered tonnage of fifty tons or more 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.

(16) The sale at retail or use of tangible personal property or services to be used or consumed for ship cleaning or maintenance or as fuel, supplies, ships' equipment, ships' stores or sea stores on vessels designed for commercial use of registered tonnage of fifty tons or more to be operated principally outside the limits of the Commonwealth.]

(17) The sale at retail or use of prescription [or non-prescription] medicines, [ , drugs or medical supplies, crutches and wheelchairs for the use of cripples and invalids, artificial limbs, artificial eyes and artificial hearing devices when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser and artificial braces and supports designed solely for the use of crippled persons or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including but not limited to hospital beds, iron lungs, and kidney machines.

(18) The sale at retail or use of coal.

(24) The sale at retail or use of motor vehicles, trailers and semi-trailers, or bodies attached to the chassis thereof, sold to a nonresident of Pennsylvania to be used outside of Pennsylvania and which are registered in a state other than Pennsylvania within twenty days after delivery to the vendee.

(25) The sale at retail or use of water.

(26) The sale at retail or use of all vesture, wearing apparel, raiments, garments, footwear and other articles of clothing, including clothing patterns and items that are to be a component part of clothing, worn or carried on or about the human body but all accessories, ornamental wear, formal day or evening apparel, and articles made of fur on the hide or pelt or any material imitative of fur and articles of which such fur, real, imitation or synthetic, is the component material of chief value, but only if such value is more than three times the value of the next most valuable component material, and sporting goods and clothing not normally used or worn when not engaged in sports shall not be excluded from the tax.

(28) The sale at retail or use of religious publications sold by religious groups and Bibles and religious articles.

(29) The sale at retail or use of food and beverages for human consumption, except that this exclusion shall not apply with respect to—

(i) Soft drinks;

(ii) Malt and brewed beverages and spirituous and vinous liquors;

(iii) Food or beverages, whether sold for consumption on or off the premises or on a "take-out" or "to go" basis or delivered to the purchaser or consumer, when purchased (A) from persons engaged in the business of catering; or (B) from persons engaged in the business of operating establishments from which ready-to-eat food and beverages are sold, including, but not limited to, restaurants, cafes, lunch counters, private and social clubs, taverns, dining cars, hotels, night clubs, fast food operations, pizzerias, fairs, carnivals, lunch carts, ice cream stands, snack bars, cafeterias, employe cafeterias, theaters,

stadiums, arenas, amusement parks, carryout shops, coffee shops and other establishments whether mobile or immobile. For purposes of this clause, a bakery, a pastry shop, a donut shop, a delicatessen, a grocery store, a supermarket, a farmer's market, a convenience store or a vending machine shall not be considered an establishment from which food or beverages ready to eat are sold except for the sale of meals, sandwiches, food from salad bars, hand-dipped or hand-served iced based products including ice cream and yogurt, hot soup, hot pizza and other hot food items, brewed coffee and hot beverages. For purposes of this subclause, beverages shall not include malt and brewed beverages and spirituous and vinous liquors but shall include soft drinks.]

(29) The sale at retail of food and beverages at or from a school, whether public or private, or church in the ordinary course of the activities of such organization is not subject to tax.

(30) The sale at retail or use of [newspapers. For purposes of this section, the term "newspaper" shall mean a "legal newspaper" or a publication containing matters of general interest and reports of current events which qualifies as a "newspaper of general circulation" qualified to carry a "legal advertisement" as those terms are defined in 45 Pa.C.S. § 101 (relating to definitions), not including magazines. This exclusion shall also include] any printed or other form of advertising materials [circulated with such newspaper] regardless of where or by whom such [printed] advertising material was produced.

[(31) The sale at retail or use of caskets and burial vaults for human remains and markers and tombstones for human graves.

(32) The sale at retail or use of flags of the United States of America and the Commonwealth of Pennsylvania.

(33) The sale at retail or use of textbooks for use in schools, colleges and universities, either public or private when purchased in behalf of or through such schools, colleges or universities provided such institutions of learning are recognized by the Department of Education.

(34) The sale at retail, or use of motion picture film rented or licensed from a distributor for the purpose of commercial exhibition.

(35) The sale at retail or use of mail order catalogs and direct mail advertising literature or materials, including electoral literature or materials, such as envelopes, address labels and a one-time license to use a list of names and mailing addresses for each delivery of direct mail advertising literature or materials, including electoral literature or materials, through the United States Postal Service.]

(36) The sale at retail or use of rail transportation equipment used in the movement of personality.

[(37) The sale at retail of buses to be used under contract with school districts that are replacements for buses destroyed or lost in the flood of 1977 for a period ending December 31, 1977 in the counties of Armstrong, Bedford, Cambria, Indiana, Jefferson, Somerset and Westmoreland, or the use of such buses.

(38) The sale at retail of horses, if at the time of purchase, the seller is directed to ship or deliver the horse to an out-of-State location, whether or not the charges for shipment are paid for by the seller or the purchaser; the seller shall obtain a bill of lading, either from the carrier or from the purchaser, who, in turn has obtained the bill of lading from the carrier, reflecting delivery to the out-of-State address to which the horse has been shipped. The seller shall execute a "Certificate of Delivery to Destination Outside of the Commonwealth" for each bill of lading reflecting out-of-State delivery. The seller shall be required to retain the certificate of delivery form to justify the noncollection of sales tax with respect to the transaction to which the form relates.

In transactions where a horse is sold by the seller and delivered to a domiciled person, agent or corporation prior to its being delivered to an out-of-State location, the "Certificate of Delivery to Destination Outside of the Commonwealth" form must have attached to it bills of lading both for the transfer to the domiciled person, agent or corporation and from the aforementioned to the out-of-State location.

(39) The sale at retail or use of fish feed purchased by or on behalf of sportsmen's clubs, fish cooperatives or nurseries approved by the Pennsylvania Fish Commission.

(40) The sale at retail of supplies and materials to tourist promotion agencies, which receive grants from the Commonwealth, for distribution to the public as promotional material or the use of such supplies and materials by said agencies for said purposes.

(41) The sale at retail of supplies and materials to tourist promotion agencies, which receive grants from the Commonwealth, for distribution to the public as promotional material or the use of such supplies and materials by said agencies for said purposes.

(42) The sale or use of brook trout (*salvelinus fontinalis*), brown trout (*Salmo trutta*) or rainbow trout (*Salmo gairdneri*).

(43) The sale at retail or use of buses to be used exclusively for the transportation of children for school purposes.

(44) The sale at retail or use of firewood. For the purpose of this clause, firewood shall mean the product of trees when severed from the land and cut into proper lengths for burning and pellets made from pure wood sawdust if used for fuel for cooking, hot water production or to heat residential dwellings.

(45) The sale at retail or use of materials used in the construction and erection of objects purchased by not-for-profit organizations for purposes of commemoration and memorialization of historical events, provided that the object is erected upon publicly owned property or property to be conveyed to a public entity upon the commemoration or memorialization of the historical event.]

(46) The sale at retail or use of tangible personal property purchased in accordance with the Food Stamp Act of 1977, as amended (Public Law 95-113, 7 U.S.C. §§ 2011-2029).

[(47) The net purchase price of the sale at retail or use of electric vehicles, hybrid electric vehicles and zero emission vehicles as defined in 75 Pa.C.S. § 102 (relating to definitions). "Net purchase price" shall mean the difference between the purchase price of an electric vehicle, hybrid electric vehicle or zero emission vehicle and the average retail list price of a comparable vehicle. "Comparable vehicle" shall mean, in the case of a passenger car, the overall average list price of a passenger car in the United States; in the case of a passenger truck, the overall average list price of a passenger truck in the United States; and, in the case of a van, the overall average retail list price of a van in the United States. The Department of Revenue shall promulgate rules and regulations to enforce this exemption and determine the average retail list price as defined under "comparable vehicle" on an annual basis. In the event that a qualified motor vehicle is something other than a passenger car, passenger truck or van, the Department of Revenue shall determine the average list price of a comparable vehicle classification. This clause shall expire December 31, 1999.

(48) The sale at retail or use of power units for vehicles that are exempt under clause (47). This clause shall expire December 31, 1999.]

(49) The sale at retail or use of food and beverages by nonprofit associations which support sports programs. For purposes of this clause, the phrases:

(i) "nonprofit association" means an entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of this Commonwealth or the United States or any entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of this Commonwealth, including, but not limited to, youth or athletic associations, volunteer fire, ambulance, religious, charitable, fraternal, veterans, civic, or any separately chartered auxiliary of the foregoing, if organized and operated on a nonprofit basis;

(iv) "sports program" means baseball (including softball), football, basketball, soccer and any other competitive sport formally recognized as a sport by the United States Olympic Committee as specified by and under the jurisdiction of the Amateur Sports Act of 1978 (Public Law 95-606, 36 U.S.C. § 371 et seq.), the Amateur Athletic Union or the National Collegiate Athletic Association. The term shall be limited to a program or that portion of a program that is organized for recreational purposes and whose activities are substantially for such purposes and which is primarily for participants who are 18 years of age or younger or whose 19th birthday occurs

during the year of participation or the competitive season, whichever is longer. There shall, however, be no age limitation for programs operated for persons with physical handicaps or persons with mental retardation;

(v) "support" means the funds raised from sales are used to pay the expenses of a sports program or the nonprofit association sells the food and beverages at a location where a sports program is being conducted under this act.

[(50) The sale at retail or use of subscriptions for magazines. The term "magazine" refers to a periodical published at regular intervals not exceeding three months and which are circulated among the general public, containing matters of general interest and reports of current events published for the purpose of disseminating information of a public character or devoted to literature, the sciences, art or some special industry. This exclusion shall also include any printed advertising material circulated with the periodical or publication regardless of where or by whom the printed advertising material was produced.

(51) The sale at retail or use of interior office building cleaning services but only as relates to the costs of the supplied employee, which costs are wages, salaries, bonuses and commissions, employment benefits, expense reimbursements, and payroll and withholding taxes, to the extent that these costs are specifically itemized or that these costs in aggregate are stated in billings from the vendor or supplying entity.

(53) The sale at retail or use of candy or gum regardless of the location from which the candy or gum is sold.

(54) The sale at retail to or use by a producer of commercial motion pictures of any tangible personal property directly used in the production of a feature-length commercial motion picture distributed to a national audience: Provided, however, That the production of any motion picture for which the property will be used does not violate any Federal or State law; and Provided further That the purchaser shall furnish to the vendor a certificate substantially in the form as the Department of Community and Economic Development may, by regulation, prescribe, stating that the sale is exempt from tax pursuant to this clause.

(55) The sale at retail or use of horses to be used exclusively for commercial racing activities and the sale at retail and use of feed, bedding, grooming supplies, riding tack, farrier services, portable stalls and sulkies for horses used exclusively for commercial racing activities.

(56) The sale at retail or use of tangible personal property or services used, transferred or consumed in installing or repairing equipment or devices designed to assist persons in ascending or descending a stairway when:

(i) The equipment or devices are used by a person who, by virtue of a physical disability, is unable to ascend or descend stairs without the aid of such equipment or device.

(ii) The equipment or device is installed or used in such person's place of residence.

(iii) A physician has certified the physical disability of the person in whose residence the equipment or device is installed or used.

(57) The sale at retail to or use by a construction contractor of building machinery and equipment and services thereto that are:

(i) transferred pursuant to a construction contract for any charitable organization, volunteer firemen's organization, nonprofit educational institution or religious organization for religious purposes, provided that the building machinery and equipment and services thereto are not used in any unrelated trade or business;

(ii) transferred to the United States or the Commonwealth or its instrumentalities or political subdivisions; or

(58) The sale at retail or use of a personal computer, a peripheral device or an Internet access device, or a service contract or single-user licensed software purchased in conjunction with a personal computer, peripheral device or Internet access device, during the exclusion period by an individual purchaser for nonbusiness use. The exclusion does not include a sale at retail or use of, leasing, rental or repair of a personal computer, peripheral device or Internet access device; mainframe

computers; network servers; local area network hubs; routers and network cabling; network operating systems; multiple-user licensed software; minicomputers; hand-held computers; personal digital assistants without Internet access; hardware word processors; graphical calculators; video game consoles; telephones; digital cameras; pagers; compact discs encoded with music or movies; and digital versatile discs encoded with music or movies. For purposes of this clause, the phrase "exclusion period" means the period of time from August 5, 2001, to and including August 12, 2001, and from February 17, 2002, to and including February 24, 2002. For purposes of this clause, "purchaser" means an individual who places an order and pays the purchase price by cash or credit during the exclusion period even if delivery takes place after the exclusion period.]

(59) The sale at retail or use of molds and related mold equipment used directly and predominantly in the manufacture of products, regardless of whether the person that holds title to the equipment manufactures a product.

[(60) The sale or use of used prebuilt housing.

(61) The sale at retail to or use of food and nonalcoholic beverages by an airline which will transfer the food or nonalcoholic beverages to passengers in connection with the rendering of the airline service.]

(62) The sale at retail or use of tangible personal property or services which are directly used in farming, dairying or agriculture when engaged in as a business enterprise whether or not the sale is made to the person directly engaged in the business enterprise or to a person contracting with the person directly engaged in the business enterprise for the production of food.

[(63) The sale at retail or use of separately stated fees paid pursuant to 13 Pa.C.S. § 9525 (relating to fees).]

(64) The sale at retail to or use by a construction contractor, employed by a public school district pursuant to a construction contract, of any materials and building supplies which, during construction or reconstruction, are made part of any public school building utilized for instructional classroom education within this Commonwealth, if the construction or reconstruction:

(i) is necessitated by a disaster emergency, as defined in 35 Pa.C.S. § 7102 (relating to definitions); and

(ii) takes place during the period when there is a declaration of disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor).

(65) The sale at retail of medical goods or services by a hospital.

(66) The sale at retail of medical or dental services, including charges for office visits.

(67) The sale at retail or use of goods or services involving Medicare Part B transactions.

(68) The sale at retail or use of transportation provided or funded by the Federal, State or local government.

(69) The sale at retail or use of cigarettes.

(70) The sale at retail of insurance premiums.

Section 5. Section 205 of the act, amended June 9, 1978 (P.L.463, No.62) and August 4, 1991 (P.L.97, No.22), is amended to read:

Section 205. Alternate Imposition of Tax; Credits.—(a) If any person actively and principally engaged in the business of selling new or used motor vehicles, trailers or semi-trailers, and registered with the department in the "dealer's class," acquires a motor vehicle, trailer or semi-trailer for the purpose of resale, and prior to such resale, uses the motor vehicle, trailer or semi-trailer for a taxable use under this act during a period not exceeding one year from the date of acquisition to the date of resale, such person may within ten days of the commencement of such use, elect to pay a tax equal to [six] five per cent of the fair rental value of the motor vehicle, trailer or semi-trailer during such use. Should such motor vehicle, trailer or semi-trailer be used for a taxable use after a period of one year, the taxpayer shall be liable for a tax on the fair market value of such motor vehicle, trailer or semi-trailer at the time of acquisition, but shall be allowed a credit equal to the tax paid pursuant to the election

provided for in this section. This section shall not apply to the use of a vehicle as a wrecker, parts truck, delivery truck or courtesy car.

(b) A commercial aircraft operator who acquires an aircraft for the purpose of resale, or lease, or is entitled to claim another valid exemption at the time of purchase, and subsequent to such purchase, periodically uses the same aircraft for a taxable use under this act, may elect to pay a tax equal to [six] five per cent of the fair rental value of the aircraft during such use.

Section 6. Section 281.2 of the act, amended December 23, 2003 (P.L.250, No.46), is amended to read:

Section 281.2. Transfers to Public Transportation Assistance Fund.—(a) All revenues received on or after July 1, 1992, from the imposition of the tax on periodicals shall be transferred to the Public Transportation Assistance Fund according to the formula set forth in subsection (b).

(b) Within 30 days of the close of any calendar month, [.44 per cent (.0044)] .36 per cent (.0036) of the taxes received in the previous month under this article, less any amounts collected in that previous calendar month under former 74 Pa.C.S. § 1314(d) (relating to Public Assistance Transportation Fund), shall be transferred to the Public Transportation Assistance Fund established under Article XXIII.

(c) In fiscal year 1991-1992, the Secretary of Revenue will ensure that ten million dollars (\$10,000,000) is deposited in the Public Assistance Transportation Fund from the combination of revenues received under former 74 Pa.C.S. § 1314(d) and transfers of periodical taxes received under this article.]

(d) Within 30 days of the close of any calendar month, [.09 per cent (.0009)] .075 per cent (.00075) of the taxes received in the previous month under this article shall be transferred to the Public Transportation Assistance Fund established under Article XXIII.

(e) Within 30 days of the close of a calendar month, .417 per cent (.00417) of the taxes received in the previous month under this article shall be transferred to the Public Transportation Assistance Fund established under Article XXIII.

Section 7. The act is amended by adding a section to read:

Section 281.3. Transfers to Education Operating Fund.—(a) It is the intent of the General Assembly to broaden the sales and use tax base and reduce the rate of that tax in order to provide funds for the operating expenses of school districts.

(b) All revenues received on or after January 1, 2006, from the tax imposed by this article shall be transferred to the Education Operating Fund.

Section 7.1. Sections 602(h) and 607 of the act, amended December 23, 2003 (P.L.250, No.46), are amended to read:

Amend Bill, page 3, by inserting between lines 26 and 27

Section 8. Section 1102-C of the act, amended July 2, 1986 (P.L.318, No.77), is amended to read:

Section 1102-C. Imposition of Tax.—Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a State tax [at the rate of one per cent of] based on the value of the real estate represented by such document, which State tax shall be payable at the earlier of the time the document is presented for recording or within thirty days of acceptance of such document or within thirty days of becoming an acquired company. The rate of the State tax shall be as follows:

(1) One per cent on all transactions under this section.

(2) After December 31, 2005, an additional two per cent on all transactions under this section.

Section 9. Section 1106-C(c) of the act, amended June 29, 2002 (P.L.559, No.89), is amended to read:

Section 1106-C. Stamps, Commissions, Payments and Transfers.—\* \* \*

(c) [All] (1) Except as provided in clause (2), all moneys paid in accordance with this article shall be credited to the General Fund.

(2) All moneys paid in accordance with section 1102-C(2) shall be credited to and deposited into the Education Operating Fund.

\* \* \*

Section 10. The act is amended by adding a section to read:

Section 1103-D. Disposition of Revenue Raised by School Districts.—Notwithstanding any law to the contrary, all moneys paid under this article to school districts imposing the Local Real Estate Transfer Tax after December 31, 2005, shall be forwarded to the Department of Revenue and shall be credited to and deposited into the Education Operating Fund.

Amend Sec. 2, page 3, line 27, by striking out “2” and inserting  
11

Amend Sec. 3, page 3, line 30, by striking out all of said line and inserting

Section 12. This act shall take effect July 1, 2005, or immediately, whichever is later.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Levdansky, is recognized.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, amendment A1044 is identical language to HB 120 introduced by Representative Sam Rohrer. It is the central piece of the Commonwealth Caucus plan for Pennsylvania to eliminate all school property taxes by levying essentially a sales tax on nearly all goods and services produced and purchased in Pennsylvania.

In addition, in addition, it would raise the realty transfer tax, the State’s share, from 1 to 3 percent, thereby placing a considerable disincentive to home purchases and home ownership, making it more difficult for young families to purchase homes.

This plan for Pennsylvania received, I believe, eight hearings in the House Finance Committee last session. Over \$100,000 has been spent to hire a consultant to help—

The SPEAKER pro tempore. Will the gentleman suspend.

Just hold on for one brief moment, please.

#### BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair is going to pass over that bill temporarily.

\* \* \*

The House proceeded to third consideration of **HB 1118, PN 1324**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege.

On the question,

Will the House agree to the bill on third consideration?

Mr. **HARHAI** offered the following amendment No. **A02541**:

Amend Title, page 1, line 3, by removing the period after “privilege” and inserting  
; providing for the sale and removal of motor vehicle event data recorders; imposing penalties; and providing for evidentiary rules.

Amend Bill, page 2, by inserting between lines 20 and 21  
Section 2. Chapter 71 of Title 75 is amended by adding a  
subchapter to read:

SUBCHAPTER E  
EVENT DATA RECORDERS

Sec.

7141. Scope.

7142. Definitions.

7143. Notice.

7144. Removal.

7145. Evidence.

7146. Applicability.

§ 7141. Scope.

This subchapter deals with motor vehicle event data recorders.

§ 7142. Definitions.

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

“Motor vehicle event data recorder.” A device installed in a motor vehicle for the purpose of retrieving data about the operation of the motor vehicle. The data includes speed, direction, location, operational functioning and use of safety devices in the motor vehicle.

§ 7143. Notice.

(a) Requirement.—If a new motor vehicle is offered for sale at retail, the seller shall notify the buyer of all of the following:

(1) Whether a motor vehicle event data recorder is contained within the motor vehicle.

(2) If a motor vehicle event data recorder is contained in the motor vehicle, the following information:

(i) a description of the data which can be recorded; and

(ii) notice that data obtained or similar device can be used as evidence in legal proceedings.

(b) Civil penalty.—A seller that violates subsection (a) is liable to the purchaser for a civil penalty of \$500.

§ 7144. Removal.

(a) Prohibition.—An individual may not remove a motor vehicle event data recorder from a motor vehicle unless one of the following applies:

(1) The owner of the motor vehicle consents to the removal.

(2) A court orders the removal.

(b) Grading.—An individual who violates subsection (a) commits a summary offense.

§ 7145. Evidence.

Data from a motor vehicle event data recorder removed in violation of section 7144 (relating to removal) is inadmissible in evidence in any civil, criminal or administrative action.

§ 7146. Applicability.

Section 7145 (relating to evidence) shall apply to actions initiated on or after the effective date of this subchapter.

Amend Sec. 2, page 2, line 21, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. HARHAI. Thank you, Mr. Speaker.

Before I withdraw the amendment, may I make a few comments? Mr. Speaker, before I withdraw the amendment, may I make a few comments?

The SPEAKER pro tempore. The gentleman is in order.

Mr. HARHAI. Thank you, sir.

I rise today to withdraw amendment 2541, but I would like to speak to the issue of motor vehicle event data recorders, or EDRs. They are commonly known as the black boxes that are located in approximately 40 million vehicles throughout the United States.

The information provided in these black boxes has been in effect for roughly 20 to 30 years and provides safety information that the manufacturers of our automobiles are able to use to provide better safety-equipped vehicles to us. The problem and the reason for the amendment is that 99 percent of the people that I have polled or 99 percent of the people that you may speak with do not have any idea what a black box recorder is, a motor vehicle event data recorder is, or the information that can be gleaned from such devices. My amendment was to address the issue, and as we discussed it in a bipartisan fashion, there are a few things we need that are sketchy that we are going to iron out, and that is why I am withdrawing.

But just the following information very quickly as a summary: Amendment 2541 is similar to legislation that I proposed earlier and came out of the Consumer Affairs Committee on June 28. It was HB 1294. The amendment would require car sellers to tell customers if the cars that they are purchasing contain a motor vehicle event data recorder, and under the disclosure section, the notice would have to include a description of the device, what kind of information the device can record, and that the data recovered from the device can be used as evidence in legal proceedings.

Can I have order, Mr. Speaker?

The SPEAKER pro tempore. I will try to accommodate you.

Mr. HARHAI. Thank you.

The SPEAKER pro tempore. The gentleman needs to have a little more quiet, and I agree with him. Let us calm down a little bit and keep our conversations to a lower tone.

The gentleman may proceed.

Mr. HARHAI. Thank you, Mr. Speaker.

To continue, as far as the removal section of this amendment, it would have been additionally that the event data recorder and the information it collects, which is obviously originally for safety purposes and now for disclosure, could not be removed from the vehicle without the owner’s consent or a court order. The data from the motor vehicle event data recorder removed in violation of this provision would be inadmissible as evidence in any civil, criminal, or administrative action. The penalties would be as follows: The seller who violates this disclosure provision would be liable to the purchaser for a civil penalty of \$500. An individual who violates the removal provision would also commit a summary offense.

Finally, State and Federal laws. There is no Federal law that regulates this disclosure or removal of motor vehicle event data recorders from the vehicle. California passed a law regarding this several years ago, and just recently Arkansas and North Dakota have done the same. There are 15 States on board to do the very same action that we are attempting to do, and we will work on further to hash this out.

I would like to thank the staff very quickly. It is a lot of work even though we are not providing the amendment, but I would like to thank Beth Bloomberg, Gail Davis, Katie Zeffuss, and Marlene Tremmel for all of their hard work, over 2 years now, in providing the much-needed information for me to come up with the amendment. And as I said, we are going to work



together, and I am committed to working with the other side of the aisle to formulate a very comprehensive amendment that we could offer in the very near future.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the amendment is withdrawn.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger                      Ross                      Wheatley

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.

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

**HB 280, PN 2454 (Amended)**

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the sale of unused and unnecessary lands and buildings; and further providing for consideration by General Assembly of State System of Higher Education requests to dispose of real property.

EDUCATION.

**SUPPLEMENTAL CALENDAR D**

**RESOLUTION PURSUANT TO RULE 35**

Mr. ROBERTS called up **HR 399, PN 2457**, entitled:

A Resolution designating July 1, 2005, as "Retired Veterans Day" in the Commonwealth of Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger                      Ross                      Wheatley

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

**POINT OF ORDER**

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

Mr. ROBERTS. Point of order.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. ROBERTS. Mr. Speaker, you called for a vote on HR 399 but the board showed HR 99.

The SPEAKER pro tempore. You are pretty observant today, Mr. Roberts. We thank you for that.

We are going to try to correct that. If we can do that internally, we will. If we have to run the vote again, we will.

The Chair thanks the gentleman. We certainly do not want you to be robbed of the credit for that resolution.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fleagle, for a committee announcement.

Mr. FLEAGLE. Thank you, Mr. Speaker.

There will be an immediate meeting of the Appropriations Committee in the Appropriations conference room as soon as we break.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet immediately in the Appropriations conference room as soon as we break.

The House will be at ease until 5:30.

We will be awaiting the Appropriations Committee's meeting and the results of that meeting. So temporarily at ease until 5:30.

All Appropriations Committee members should report immediately to the committee room that you normally meet in. I believe that is room 245. All Appropriations Committee members please report to room 245 immediately. We are at ease until 5:30.

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

The SPEAKER. The House will come to order.

**BILLS REREPORTED FROM COMMITTEE**

**HB 471, PN 2280**

By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Health to provide notice of certified primary stroke treatment hospitals; and establishing a Statewide stroke database.

**APPROPRIATIONS.**

**HB 472, PN 511**

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 tax credit for donation of used computers; and further defining "taxable income" relating to the corporate net income tax.

**APPROPRIATIONS.**

**HB 958, PN 1093**

By Rep. FEESE

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further prohibiting occupation tax.

**APPROPRIATIONS.**

**HB 1059, PN 1215**

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of deceptive or fraudulent business practices.

**APPROPRIATIONS.**

**HB 1689, PN 2151**

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods.

**APPROPRIATIONS.**

**HB 1819, PN 2393**

By Rep. FEESE

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites.

APPROPRIATIONS.

**SB 62, PN 1050 (Amended)**

By Rep. FEESE

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Department of General Services and for application of part; and providing for electronic bidding by local government units.

APPROPRIATIONS.

**SB 300, PN 710**

By Rep. FEESE

An Act authorizing the establishment and maintenance of health savings accounts; providing for special tax provisions; and imposing restrictions on health savings accounts.

APPROPRIATIONS.

**SB 386, PN 677**

By Rep. FEESE

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

APPROPRIATIONS.

**SB 406, PN 1018**

By Rep. FEESE

An Act designating SR 65 in the vicinity of Leetsdale, Allegheny County, as the James E. Russo Highway.

APPROPRIATIONS.

**SB 688, PN 969**

By Rep. FEESE

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Protection, to grant and convey to Erie-Western Pennsylvania Port Authority certain lands situate in the City of Erie, County of Erie.

APPROPRIATIONS.

**SB 697, PN 1036**

By Rep. FEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Pennsylvania company, or its assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania; and making a related repeal.

APPROPRIATIONS.

**SB 722, PN 1051 (Amended)**

By Rep. FEESE

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for definition of "department," for powers and duties of the Environmental

Quality Board, for interim requirements for aboveground storage tanks and underground storage tanks, for the expiration of the additional allocation and for the Underground Storage Tank Environmental Cleanup Program; and providing for investigations and closure costs.

APPROPRIATIONS.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**SB 457, PN 900**

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city; and providing for beneficiaries serving in elective office.

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

**SUPPLEMENTAL CALENDAR B**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1819, PN 2393**, entitled:

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger                      Ross                      Wheatley

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

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

\* \* \*

The House proceeded to third consideration of **SB 62, PN 1050**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Department of General Services and for application of part; and providing for electronic bidding by local government units.

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

Mr. **HUTCHINSON** offered the following amendment No. **A01384**:

Amend Title, page 1, line 3, by striking out “; and providing” and inserting  
and for time for awarding contract; providing for claims for concealed or unknown conditions; further providing for retainage, for government agency’s progress payment obligations, for penalty and attorney fees, for applicability and for substantial/final payment under contract;

providing for mediation; further providing for arbitration; providing for role of architect or engineer and

Amend Bill, page 2, by inserting between lines 12 and 13

Section 2. Section 3911 of Title 62 is amended by adding a subsection to read:

§ 3911. Time for awarding contract.

\* \* \*

(f) Delays beyond contractor’s control.—If a contractor is prevented from completing any part of the work within the mandated times or milestones of the construction contract or construction schedule due to delay beyond the control of the contractor, the contract times or milestones shall be extended in an amount equal to the time lost due to the delay if a request for extension is made in writing. Delays beyond the control of the contractor shall include, but not be limited to, acts or neglect by the government agency and the engineer or architect, acts or neglect of utility owners or other contractors performing other work on separate contracts, fires, floods, strikes, unforeseen material shortages, epidemics, abnormal weather conditions or acts of God.

Section 3. Title 62 is amended by adding a section to read:

§ 3914. Claims for concealed or unknown conditions.

(a) General rule.—The provisions of subsection (b) shall apply if conditions are encountered at the site which are:

(1) subsurface or otherwise concealed environmental or physical conditions which differ materially from those disclosed and indicated in the construction contract or construction drawings or plans accompanying the contract; or

(2) unknown physical or environmental conditions of an unusual nature which are undisclosed or differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities of the character provided for in the construction contract and construction drawings and plans accompanying the contract.

(b) Notice; investigations.—Notice by the observing party shall be given to the other party promptly before conditions are disturbed and in no event later than 21 days after the first observance of the conditions. The architect or engineer will promptly investigate the conditions and, if they differ materially and cause an increase or decrease in the contractor’s cost of or time required for performance of any part of the work, shall recommend an equitable adjustment in the contract sum, contract time or both.

(c) Nonserious conditions.—If the architect or engineer determines that the conditions at the site are not materially different from those indicated in the construction contract or construction drawings or plans accompanying the contract and that no change in the terms of the contract is justified, the architect or engineer shall so notify the owner and contractor in writing, stating the reasons.

(d) Objections.—Claims by either party in opposition to a determination under subsection (a), (b) or (c) must be made within 21 days after the architect or engineer has given notice of the decision.

(e) Materially different conditions.—If the conditions encountered are materially different, the contract sum and contract time shall be equitably adjusted, but if the owner and contractor cannot agree on an adjustment in the contract sum or contract time, the adjustment shall be subject to arbitration under section 3942 (relating to arbitration).

Section 4. Sections 3921(a), 3932, 3935, 3938, 3941(a) and 3942 of Title 62 are amended to read:

§ 3921. Retainage.

(a) Contract provision.—A contract may include a provision for the retainage of a portion of the amount due the contractor to insure the proper performance of the contract except that the sum withheld by the government agency from the contractor shall not exceed [10%] 6% of the amount due the contractor until 50% of the contract is completed. When the contract is 50% completed, one-half of the amount retained by the government agency shall be returned to the contractor, and the contractor shall release to subcontractors and suppliers any corresponding amount of such retainage withheld from them by the

contractor. However, the architect or engineer must approve the application for payment which approval shall not be unreasonably withheld. The contractor must be making satisfactory progress, and there must be no specific cause for greater withholding. If the engineer or architect determines that there is a specific cause for greater withholding, the reason or reasons must be specified in written detail to the contractor. The decision can be challenged by the contractor on the basis of reasonableness in the arbitration procedure provided for in section 3942 (relating to arbitration). The sum withheld by the government agency from the contractor after the contract is 50% completed shall not exceed [5%] 3% of the value of completed work based on monthly progress payment requests. In the event a dispute arises between the government agency and any prime contractor, which dispute is based upon increased costs claimed by one prime contractor occasioned by delays or other actions of another prime contractor, additional retainage in the sum of one and one-half times the amount of any possible liability may be withheld until [such time as] a final resolution is agreed to by all parties directly or indirectly involved or the justification and reasonableness for the additional withholding is decided by arbitration under section 3942, unless the contractor causing the additional claim furnishes a bond satisfactory to the government agency to indemnify the agency against the claim. All money retained by the government agency may be withheld from the contractor until substantial completion of the contract. Upon payment of any such retainage from the government agency to the contractor, the contractor shall within ten days pay to its subcontractor or suppliers any corresponding amounts of retainage retained from them.

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§ 3932. Government agency's progress payment obligations.

(a) Payments in accordance with contract.—The government agency shall pay the contractor or design professional strictly in accordance with the contract and with the provisions of subsections (b) and (c).

(b) Application for progress payments.—[If the contract does not contain a term governing the time for payment, the] The contractor or design professional shall be entitled to make application for payment from the government agency for monthly progress payments, and the government agency shall make payment less the applicable retainage amount as authorized in section 3921 (relating to retainage) to the contractor or design professional within [45] 30 calendar days of the date the application for payment is received.

(c) Interest on progress payments not timely made.—[Except as otherwise agreed by the parties, if] If any progress payment, which shall include payment for change orders or claims against the government agency which are either agreed to or later found to be proper and warranting payment, less the applicable retainage amount [as authorized in section 3921] authorized under section 3921, is not made to a contractor or design professional by the due date established in the contract or in subsection (b), the government agency shall pay to the contractor or design professional, in addition to the amount due, interest on the amount due, and the interest shall be computed at the rate determined by the Secretary of Revenue for interest payments on overdue taxes or the refund of taxes as provided in sections 806 and 806.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(d) When interest payment not required.—In the event that the contract does not contain a grace period and if a contractor or design professional is not paid by the payment date required by subsection (b), no interest penalty payment required under this section shall be paid if payment is made on or before the 15th calendar day after the payment date required under this subchapter.]

§ 3935. Penalty and attorney fees.

(a) Penalty.—If arbitration or a claim with the Board of Claims or a court of competent jurisdiction is commenced to recover payment due under this subchapter and it is determined that the government agency, contractor or subcontractor has failed to comply with the payment terms of this subchapter or has improperly withheld payment to the

contractor for reasons including those set forth in subsection (b), the arbitrator, the Board of Claims or the court [may] shall award, in addition to all other damages due, a penalty equal to 1% per month of the amount that was withheld, [in bad faith. An amount shall be deemed to have been withheld in bad faith to the extent that the withholding was arbitrary or vexatious. An amount shall not be deemed to have been withheld in bad faith to the extent it was withheld pursuant to section 3934 (relating to withholding of payment for good faith claims).]

(b) Attorney fees.—Notwithstanding any agreement to the contrary, the prevailing party in any proceeding to recover any payment under this subchapter [may] shall be awarded a reasonable attorney fee in an amount to be determined by the Board of Claims, court or arbitrator, together with expenses, if it is determined that the government agency, contractor or subcontractor [acted in bad faith. An amount shall be deemed to have been withheld in bad faith to the extent that the withholding was arbitrary or vexatious.] withheld payment improperly. Failure on the part of the architect or engineer to do any of the following in a timely manner shall constitute withholding payment improperly by the government agency:

(1) make a final inspection;

(2) issue a certificate of completion when warranted under section 3941 (relating to substantial/final payment under contract);

(3) list in detail each uncompleted item and a reasonable cost of completion as required under section 3941;

(4) make timely recommendations or approval of payment of amounts due to the contractor, including payment for meritorious or approved change orders; or

(5) make recommendations or approve full payment to the contractor of retainage due.

§ 3938. Applicability.

(a) Not applicable in certain situations.—[This subchapter shall not apply in the following situations:

(1) Section 3932 (relating to government agency's progress payment obligations) shall not apply when the Commonwealth agency's nonpayment on a particular project is caused by the failure of the General Assembly to enact a budget for the fiscal year of payment.

(2) Section 3932 shall not apply when a local government unit's nonpayment on a particular project is caused by failure of the Federal or State Government to pay funds due and payable to the local government unit.

(3) Section 3932 shall not apply when a government agency's nonpayment on a particular project is caused by the failure of the General Assembly to enact an operating budget for the fiscal year of payment or a capital budget for the capital project or by failure of the Federal, State or local government to pay funds designated or to be designated for the specific project.

(4) Nothing in this subchapter shall be construed to require payment of interest penalties by the Federal or State Government if the local government unit is liable for the interest.

(b) Not applicable to following entities.—This chapter shall not apply to any of the following provided that all bidders to contracts entered into are informed of the status of the government agency and are advised that this chapter does not apply to all contracts bid and awarded by the government agency:

(1) A municipality determined to be distressed under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

(2) A school district which has been determined to be a distressed school district under section 691 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(3) A city of the first class that has entered into an intergovernmental cooperation agreement under the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the

First Class, for so long as any deficit-reducing bonds issued by the authority pursuant to section 301(b)(1) of that act are outstanding and payable.

(4) A corporate entity or school district as defined in the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

(5) A transportation authority organized or operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan transportation authorities).

§ 3941. Substantial/final payment under contract.

(a) Contract containing provision for retainage.—

(1) A contract containing a provision for retainage as provided in section 3921 (relating to retainage) shall contain a provision requiring the architect or engineer to make final inspection within 30 days of receipt of the request of the contractor for final inspection and application for final payment.

(2) If the work is substantially completed, the architect or engineer shall issue a certificate of completion and a final certificate for payment, and the government agency shall make payment in full within [45] 30 days except as provided in section 3921, less only one and one-half times the amount required to complete any then-remaining uncompleted minor items, which amount shall be certified by the architect or engineer and, upon receipt by the government agency of any guarantee bonds which may be required, in accordance with the contract, to insure proper workmanship for a designated period of time.

(3) If the architect or engineer unreasonably withholds a determination of substantial completion or the issuance of a certificate of completion and a final certificate for payment, such action shall constitute failure to comply with the payment terms under section 3935(a) (relating to penalty and attorney fees) and withholding payment improperly under section 3935(b) on the part of the government agency.

(4) The certificate given by the architect or engineer shall list in detail each uncompleted item and a reasonable cost of completion. If the architect or engineer fails to provide a list in detail, together with the reasonable cost of completion, within 30 days after receipt of the request of the contractor for final inspection and application for final payment and substantial completion has been attained, it will be presumed that there are no uncompleted items and final payment, including release of retainage, shall be made to the contractor within 30 days of the final payment application.

(5) If a claim is filed by a contractor under this section and it is disputed by the government agency, the contractor may request that it be decided by the use of the expedited arbitration procedure of the Construction Industry Rules of the American Arbitration Association.

(6) Final payment of any amount withheld for the completion of [the] minor items shall be paid upon completion of [the items] each such item in the certificate of the engineer or architect.

\*\*\*

§ 3942. Arbitration.

If a dispute should arise between the contractor and the government agency over the payment of retainages and final payment or under or arising from the terms or performance of the construction contract, which dispute is not submitted to or resolved by mediation, then the dispute shall be arbitrated under the applicable terms of the contract. If the contract contains no provision for arbitration, [then both parties may mutually agree to arbitrate] the dispute shall be arbitrated under the rules of the American Arbitration Association or under alternative rules for arbitration agreed upon by the parties after the invocation of arbitration or in accordance with 42 Pa.C.S. Ch. 73 (relating to arbitration) at the choice of the claimant. In any event, either party shall have the right of appeal from any decision and award as provided by law.

Section 5. Title 62 is amended by adding a section to read:

§ 3943. Mediation.

(a) General rule.—A claim arising under the terms of the construction contract or the performance of the contract shall, after initial decision by the architect or engineer, be subject to mediation at the request of either party.

(b) Procedure.—

(1) The parties shall endeavor to resolve their claims by mediation which shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect unless the parties agree after the invocation of mediation upon alternative rules or forum for mediation. A request for mediation shall be filed in writing with the other party to the contract and if its rules and forum are being utilized with the American Arbitration Association.

(2) The request may be made concurrently with the filing of a demand for arbitration, in which case mediation shall proceed in advance of arbitration or legal or equitable proceedings which shall be stayed pending mediation for a period of 30 days from the date of filing unless stayed for a longer period by agreement of the parties.

(3) The parties shall share the mediator's fee and any filing fees equally.

(4) The mediation shall be held in the area where the project is located unless another location is mutually agreed upon.

(5) Agreements reached in mediation shall be enforceable as settlement agreements in a court having jurisdiction.

Section 6. Chapter 39 of Title 62 is amended by adding a subchapter to read:

SUBCHAPTER F  
ROLE OF ARCHITECT OR ENGINEER

Sec.

3951. General rules.

§ 3951. General rules.

(a) Government agency's representative and agent.—Construction contracts awarded by a government agency shall provide that the architect or engineer will be the government agency's representative and agent during the construction period.

(b) Contract provisions.—Construction contracts shall also provide that the architect and engineer are bound to the provisions of the contract in carrying out their duties and responsibilities in a professional and competent manner, and no indemnification or waiver clause in a construction contract shall vary or lessen their duties and responsibilities.

(c) Impartiality.—While functioning as architect or engineer under any construction contract awarded by a government agency, the architect or engineer must not show partiality in interpretations and decisions of provisions of the contract, but must serve in an impartial manner.

Amend Sec. 2, page 2, line 13, by striking out "2" and inserting  
7

Amend Sec. 3, page 4, line 29, by striking out "3" and inserting  
8

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. It is the information of the Chair, the gentleman has withdrawn the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

The SPEAKER. Would Mr. Stairs and Mr. Schroder please come to the rostrum.

\* \* \*

The House proceeded to third consideration of **HB 1291, PN 2301**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and conviction of certain offenses.

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

Mr. **CURRY** offered the following amendment No. **A02425**:

Amend Sec. 1 (Sec. 111), page 3, line 28, by inserting after “YEAR”

old

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

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

Mr. **CURRY**. Thank you, Mr. Speaker.

Mr. Speaker, this is just a technical amendment. It adds one word, “old,” and I appreciate your support.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Curry.  
Mr. CURRY. Mr. Speaker, we have one more amendment, 2426.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds the announcement that the bill is on final passage.

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

Mr. CURRY offered the following amendment No. A02426:

Amend Sec. 1 (Sec. 111), page 4, lines 2 through 4, by striking out all of said lines and inserting  
(c.1), administrators, before April 1, 2006, may employ in-State applicants on a provisional basis for a single period not to exceed thirty (30) days [or, for] and may employ out-of-State applicants [, a period of] on a provisional basis for a single period not to exceed ninety (90) days[, except] and, after March 31, 2006, may employ any applicants on a provisional basis for a single period not to exceed ninety (90) days. This subsection shall not apply

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

The SPEAKER. On that question, the gentleman, Mr. Curry, and I apologize, Mr. Curry. They only had you listed for one. Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment corrects a small disparity in the bill. At this time administrators may employ applicants on a provisional basis while awaiting the results of a background check. What this bill does is it takes out-of-State applicants and instate applicants, and after March 31, 2006, they will be judged in the same way, and I appreciate your support.

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

The following roll call was recorded:

YEAS-198

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



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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger	Ross	Wheatley
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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. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Rieger	Ross	Wheatley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.  
Ordered, That the clerk present the same to the Senate for concurrence.

**LEAVE OF ABSENCE**

Mr. DeWEESE. Mr. Speaker?  
The SPEAKER. The gentleman, Mr. DeWeese.  
Mr. DeWEESE. Thank you, Mr. Speaker.  
The gentleman, Mr. LEACH, from Montgomery County be placed on leave for the evening.  
The SPEAKER. Without objection, that leave will be granted.  
Mr. DeWEESE. Thank you.

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 876, PN 999**, entitled:  
  
An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing the department to directly reimburse educational support services providers; and repealing penalties for grant recipients.

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

Mr. **GEORGE** offered the following amendment No. **A02160**:

Amend Title, page 1, line 5, by inserting after “thereto,” ” further providing for program of continuing professional education;

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting

Section 1. Section 1205.2(f) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added November 23, 1999 (P.L.529, No.48), is amended to read:

Section 1205.2. Program of Continuing Professional Education.— \* \* \*

(f) The department shall annually provide a minimum of forty (40) hours of continuing professional education courses, programs, activities or learning experiences at no charge to professional educators employed by a school entity. In providing these courses, the department shall seek to use the most efficient and cost-effective means possible, including the use of advanced technology such as CD-ROM, the Internet and distance communication. The department may make some or all of these education courses available at no charge to any individual who volunteers to work on a full-time or part-time basis in a school entity.

\* \* \*

Section 2. Section 1507-C of the act, amended or added May 17, 2001 (P.L.4, No.4) and December 23, 2003 (P.L.304, No.48), is amended to read:

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

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

(Members proceeded to vote.)

VOTE STRICKEN

The **SPEAKER**. The clerk will strike the board.  
This is on the George amendment, not final passage.

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

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	Schroder
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Shapiro
Benninghoff	George	McIlhattan	Siptroth
Bianucci	Gerber	McIlhinney	Smith, B.
Birmelin	Gergely	McNaughton	Smith, S. H.
Bishop	Gillespie	Melio	Solobay
Blackwell	Gingrich	Metcalfe	Sonney
Blaum	Godshall	Micozzie	Staback
Boyd	Good	Millard	Stairs
Bunt	Goodman	Miller, R.	Steil
Butkovitz	Grell	Miller, S.	Stern
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Mustio	Stevenson, R.

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Leach	Rieger	Ross	Wheatley
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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**. It is the information of the Chair that the remaining amendments on this bill have been withdrawn.

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

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Leach	Rieger	Ross	Wheatley
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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 1223, PN 1436**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for Project Link-to-Learn.

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

Mr. T. STEVENSON offered the following amendment No. **A01203**:

Amend Sec. 1 (Sec. 1502-A), page 2, by inserting between lines 13 and 14

“Approved private school” shall mean a private school receiving funding under section 1376.

Amend Sec. 1 (Sec. 1502-A), page 2, by inserting between lines 15 and 16

“Charter school” shall mean a school established under Article XVII-A.

Amend Sec. 1 (Sec. 1502-A), page 3, line 25, by inserting after “school.”

charter school.

Amend Sec. 3 (Sec. 1506-A), page 5, line 14, by inserting after “school”

or approved private school

Amend Sec. 3 (Sec. 1506-A), page 5, line 18, by striking out “or nonpublic school” and inserting

, nonpublic school or approved private school

Amend Sec. 3 (Sec. 1506-A), page 6, line 26, by inserting after “school.”

an approved private school.

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

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	Schroder
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Shapiro
Benninghoff	George	McIlhattan	Siptroth
Biancucci	Gerber	McIlhinney	Smith, B.
Birmelin	Gergely	McNaughton	Smith, S. H.
Bishop	Gillespie	Melio	Solobay
Blackwell	Gingrich	Metcalfe	Sonney
Blaum	Godshall	Micozzie	Staback
Boyd	Good	Millard	Stairs
Bunt	Goodman	Miller, R.	Steil
Butkovitz	Grell	Miller, S.	Stern
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Mustio	Stevenson, R.
Cappelli	Habay	Myers	Stevenson, T.
Casorio	Haluska	Nailor	Sturla
Causer	Hanna	Nickol	Surra
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	Oliver	Taylor, E. Z.
Clymer	Harper	O'Neill	Taylor, J.
Cohen	Harris	Pallone	Thomas
Cornell	Hasay	Payne	Tigue
Corrigan	Hennessey	Petrarca	True
Costa	Herman	Petri	Turzai
Crahalla	Hershey	Petrone	Veon
Creighton	Hess	Phillips	Vitali
Cruz	Hickernell	Pickett	Walko
Curry	Hutchinson	Pistella	Wansacz
Daley	James	Preston	Waters
Dally	Josephs	Pyle	Watson
DeLuca	Kauffman	Quigley	Williams
Denlinger	Keller, M.	Ramaley	Wilt
Dermody	Keller, W.	Rapp	Wojnaroski

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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

Mr. **STAIRS** offered the following amendment No. **A02445**:

Amend Sec. 3 (Sec. 1506-A), page 5, by inserting between lines 12 and 13

(5) Grants awarded under this article shall not be used to determine the payment by a school district to a charter school pursuant to section 1725-A(a)(2) and (3).

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

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	Schroder
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Shapiro
Benninghoff	George	McIlhattan	Siptroth
Bianucci	Gerber	McIlhinney	Smith, B.
Birmelin	Gergely	McNaughton	Smith, S. H.
Bishop	Gillespie	Melio	Solobay
Blackwell	Gingrich	Metcalfe	Sonney
Blaum	Godshall	Micozzie	Staback
Boyd	Good	Millard	Stairs
Bunt	Goodman	Miller, R.	Steil
Butkovitz	Grell	Miller, S.	Stern
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Mustio	Stevenson, R.
Cappelli	Habay	Myers	Stevenson, T.
Casorio	Haluska	Nailor	Sturla
Causer	Hanna	Nickol	Surra
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	Oliver	Taylor, E. Z.
Clymer	Harper	O'Neill	Taylor, J.

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Leach	Rieger	Ross	Wheatley
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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. **VITALI** offered the following amendment No. **A02258**:

Amend Title, page 1, line 6, by removing the period after "to-Learn" and inserting

and for funding for charter schools.

Amend Bill, page 7, by inserting between lines 26 and 27

Section 4. Section 1725-A(a)(1) of the act, amended June 29, 2002 (P.L.524, No.88), is amended and the section is amended by adding a subsection to read:

Section 1725-A. Funding for Charter Schools.—(a) Funding for a charter school shall be provided in the following manner:

(1) [There] Except as provided for in subsection (a.1) there shall be no tuition charge for a resident or nonresident student attending a charter school.

(2) For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.

(3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non-special education student as provided in clause (2), plus an

additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.

(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.

(5) Payments shall be made to the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school, from any and all State payments made to the district after receipt of documentation from the charter school.

(6) Within thirty (30) days after the secretary makes the deduction described in clause (5), a school district may notify the secretary that the deduction made from State payments to the district under this subsection is inaccurate. The secretary shall provide the school district with an opportunity to be heard concerning whether the charter school documented that its students were enrolled in the charter school, the period of time during which each student was enrolled, the school district of residence of each student and whether the amounts deducted from the school district were accurate.

(a.1) If the student's school district operates a cyber charter school and the student is attending any other cyber charter school, neither the Commonwealth nor the school district shall be required to provide funding under this section. A student may be charged tuition by a cyber charter school under section 2561.

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Amend Sec. 4, page 7, line 27, by striking out "4" and inserting

5

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

The SPEAKER. On that question, the gentleman, Mr. Stairs.  
Mr. STAIRS. Thank you, Mr. Speaker.

At this time I rise to oppose this amendment. I think it is poorly drafted and it is out of order, and it would certainly confuse the issue at hand. I would hope that members could vote against it.

The SPEAKER. The gentleman is in order. Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Let me just explain what the amendment is, and this, frankly, was drafted by a high-quality staffer on our Education Committee, and I would seriously doubt whether it is poorly drafted.

It is a very simple amendment. It was made at the suggestion of the business manager of my school board as a way to save school districts money. It involves the issue of cyber charter schools, the remote schools, and the problem is that when a student in a given school district goes to a cyber charter school, that might pull away from my school district or your school district \$6,000, \$7,000, \$8,000, \$9,000 from that school district's funds to this private company sponsoring the charter school.

Now, what this amendment basically says is that if your school district provides in-house a charter school, then a student in your school district cannot go outside, to a charter school outside, and take that \$6,000, \$7,000, \$8,000, \$9,000 away. I think that just makes a lot of sense. It would allow the students a cyber education who need it, yet at the same time, it would allow the school district to save money by providing it in-house if it chooses to. It does not have to choose to do this. I think it is a good idea. It is a "may" bill. It is totally optional.

I would like to hear some substantive objections. If there in fact are problems with the drafting, what words are wrong? What words should be changed? If it is a poor concept, why is it a poor concept? Let us get the debate started. My whole intent here is to save our school districts money, and I am hoping this does it, and I also hope that perhaps if there are some technical problems, we get it over to the Senate and they can continue to work on it. But this is just a cost-savings idea, and I would just like to get the debate started on it.

So I would urge a "yes" vote. Thank you.

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

In response to the previous speaker, certainly I agree with him. He has good intentions, but unfortunately, the amendment is drafted incorrectly, so it is not correct. And I would say philosophically, the school district charters a school; a school district does not directly operate it. When we voted on charters several years ago, that is what we set up. Individuals, people in the community, can certainly operate a charter school; it is a public school. The school district grants the charter, but the school district does not operate the school. So his amendment, well meaning, and I can understand his purpose here, but when you are wrong, you are wrong, and let us not try to beat it again – you are wrong.

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

Mr. NICKOL. Thank you, Mr. Speaker.

The sponsor of the amendment asked for some examples, and I can give you two – the Central Susquehanna Intermediate Unit and IU 19, the Lincoln Intermediate Unit, in my own area. Both have a consortia of school districts that sponsor charter schools, the cyber charter schools. The one in my area is meant to try to apply to students where they have a problem in the senior high school with truancy and to try to provide some kind of programming for those students. With the way the gentleman has drafted this language, if there is a sixth grader in my school district who wants to participate in some other cyber school, they would be denied that right, even though the cyber charter school that my school district participates in does not have a program that applies to that sixth grade student. Therefore, I agree with the chairman of the Education Committee and would urge members to oppose this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I understand that this is a subject of considerable interest, especially to the members of the House Education Committee, their staff. I understand that it is one that they have been working on, and I would much prefer that we wait and allow the committee to continue its work on this

subject and do it right rather than approve a flawed amendment this evening, and so I would ask for a negative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Again, the cyber school education is becoming a burden on the local school districts when these students are voluntarily going into these programs at a cost significant to each of the host districts. All Mr. Vitali's amendment does is give the local district the opportunity under a "may" bill to have their own local cyber school that those students can participate in, voluntarily, and enjoy the same education opportunity via a home-schooling network through the cyber system or some other type of cyber education without incurring some of the unnecessary costs that these districts incur each and every time a student goes into the cyber program.

It is a "may" bill. If there are programs that are of special need, and not necessarily because of academic needs or socialization needs but because of disciplinary needs, and there is another option that is more suited more properly for that student, and as much as it is a "may" bill, that student, with the permission or authorization of the local school board, can certainly participate in a consortium of a cyber school program or some of the other programs. It does not exclude or preclude any of the other programs. All it does is give the local school district the opportunity to be the preferred or not only the host school district for cyber education but to also provide cyber education for the local students who are living within that district.

We all know that education funding is the number one issue on every taxpayer's mind in Pennsylvania, and as we continue to let these cyber schools take funds out of the local school districts, we are going to see that that continues to be a large problem. This is a very simple and well-thought-out and very, very concise opportunity for a local school district to save money on cyber education and keep it within the taxing district.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, for the last 3 years or 3 or 4 years, I believe, I have worked on a concept called blended schools, and it is not the same concept that the prime sponsor is working on, similar to it. But what I found in those 3 years in looking at it is that — and Republican and Democratic members have reminded me of this — that cyber schools are a hugely complex issue, and I do not feel that we really can put our arms around that issue, and the Department of Education has really, I feel, not stepped up to the plate on some of the issues involving cyber schools. We cannot even come up with a definition sometimes of them.

I applaud the gentleman for bringing this up. I do feel, however, that to address this whole subject as just an amendment is not doing justice to this subject. I think it has to be done as a whole. More in-depth studies have to be done. I would be willing to work with the gentleman on some of the things that I have been working with. But I would ask the members at this time to vote "no" on this, because it is just too important an issue to try to run through on an amendment.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. I just want the courtesy of being last to speak on my amendment. I just—

The SPEAKER. According to my recordkeeper up here, this will be your first time, Mr. Vitali. You were interrogated for the first one.

I was wrong, Mr. Vitali.

### POINT OF ORDER

The SPEAKER. Does the gentleman, Mr. Maher, wish to be recognized first? Mr. Maher and then Mr. Stairs.

Mr. MAHER. Thank you, Mr. Speaker.

A point of order.

I do believe the maker of this amendment spoke at the time that he introduced the amendment, then he spoke after Mr. Stairs. Mr. Stairs did not—

The SPEAKER. The gentleman is correct. The Chair corrected himself.

Mr. MAHER. Thank you. I am sorry, Mr. Speaker.

The SPEAKER. I apologize, Mr. Maher.

Mr. MAHER. Thank you.

The SPEAKER. But the gentleman would like the opportunity to go last.

Mr. MAHER. Excuse me, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Vitali, would like the opportunity to go last.

Mr. MAHER. My point being that he has spoken twice on the amendment already. He spoke after Mr. Stairs. He spoke before Mr. Stairs. Mr. Stairs did not interrogate him.

The SPEAKER. We are going to go look at the transcript right now.

Mr. MAHER. Go to the tape.

The SPEAKER. We will go to the tape.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The Parliamentarian indicates that this will be Mr. Vitali's second time. Mr. Vitali.

Mr. VITALI. Again, I just want to make sure everyone has spoken to get the courtesy of the last—

The SPEAKER. Mr. Vitali, we try that all the time. The gentleman, Mr. Daley, last night, I waited for everybody in the world, and then Mr. Daley spoke, then somebody spoke after him. The minority leader has asked on several times. I mean, if somebody else pops up, there is nothing else we can do. But that is up to you, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, it seems like the problem, the alleged problem, is the language, so I just want to read the language, because it only goes five lines and it seems very straightforward, and it basically says, "If the student's school district operates a cyber charter school and the student is attending any other cyber charter school, neither the Commonwealth nor the school district shall be required to provide funding under this section. A student may be charged tuition by a cyber charter school under section 2561." That is really very straightforward. It means exactly what it says. If a school district operates a cyber charter, a school district does not have to pay for a student who attends another cyber charter, period, nor does the Commonwealth, period. It does not really get involved in the complexities of charter schools other than this narrow funding issue. It does not get involved in standards or testing or curriculum or accountability or attendance. It is just a strict funding issue. It is very straightforward. It basically lets your

school district get out of a payment for cyber charter students, which is really hurting their ability to keep their local school taxes down.

It is straightforward. I think we need to get the ball rolling. If in fact there are some adjustments, we have another body, the Senate, that can make them. But I think it is very straightforward. And again, I do not want to pass the buck, but I went through a few iterations on this language, and it was drafted by a staffer whom I have the utmost respect for.

So I would simply take a look at it on its merits. Do not look at the prime sponsor; look at it on its merits. Look at the simple five lines. You can read them in a matter of seconds. Look at the five lines. See if it is straightforward. See if it is something your school board, your school district, would support, and vote your school districts' interests.

I urge an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentlelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

May I please interrogate the chairman of the House Education Committee?

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

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, when I look at this amendment, as it has been read, it says that a school district operating a cyber charter school is the subject of this amendment. Now, is not my understanding and is it correct that a school district in fact cannot operate a cyber charter school?

Mr. STAIRS. Your assumption is correct.

Mrs. MILLER. Okay. Thank you, Mr. Speaker.

Therefore, by the fact that this is saying it would be a school district, the drafting is in error.

Mr. STAIRS. Possibly in Philadelphia you might be able to do that, but the rest of the State, the school district must grant a charter to another group, and they cannot operate the charter themselves. When we adopted the charter schools, I can understand the intent of the legislation in this amendment, he has a good point, but unfortunately, you cannot do it unless we change the School Code, which I have in front of me, and it spells out a school cannot operate a charter school.

Mrs. MILLER. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Stairs, seek recognition?

Mr. STAIRS. No thank you. I spoke twice.

The SPEAKER. Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker, the chairman of the Education Committee in the House, in a response to a question, said school districts cannot have a cyber. I think that is absolutely incorrect. I believe that there are school districts, and one of them – I know it is out west – was one of the first school districts to start a cyber charter school of which students from all over the Commonwealth belong. So I do not think that was a correct answer. My understanding is that another school district in the Altoona area also has a cyber school. So there are school districts that have cyber schools, and they are, obviously, charter schools, other charter schools. So I do not think that was a correct answer, and if it is, if I am incorrect, I would like someone to stand up and explain it.

The SPEAKER. Did the gentleman, Mr. Tigie, have somebody specific to answer the question that he would like to

see stand? Is there somebody specific that you would like to see stand and explain it?

Mr. TIGUE. No, Mr. Speaker. My understanding is that there are school districts that have set up cyber charter schools, and I do not think that the response to the question that Representative Miller asked was correct, or at least in total was not correct.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Gabig. The gentleman waives off.

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

The following roll call was recorded:

YEAS—79

Adolph	Fabrizio	McCall	Siproth
Bebko-Jones	Freeman	McGeehan	Solobay
Belardi	George	Melio	Staback
Belfanti	Gergely	Myers	Stetler
Bishop	Goodman	Oliver	Sturla
Blackwell	Grucela	Pallone	Surra
Blaum	Gruitza	Petrone	Tangretti
Buxton	Haluska	Pistella	Thomas
Caltagirone	Hanna	Preston	Tigue
Casorio	Harhai	Ramaley	Veon
Cawley	James	Readshaw	Vitali
Cohen	Josephs	Roberts	Walko
Corrigan	Kirkland	Roebuck	Wansacz
Costa	Kotik	Rooney	Waters
Curry	LaGrotta	Ruffing	Williams
Daley	Lescovitz	Sainato	Wojnaroski
DeWeese	Levdansky	Samuelson	Yewcic
Donatucci	Manderino	Santoni	Yudichak
Eachus	Mann	Shaner	Zug
Evans, D.	Markosek	Shapiro	

NAYS—118

Allen	Feese	Killion	Rapp
Argall	Fichter	Lederer	Raymond
Armstrong	Fleagle	Leh	Reed
Baker	Flick	Mackereth	Reichley
Baldwin	Forcier	Maher	Rohrer
Barrar	Frankel	Maitland	Rubley
Bastian	Gabig	Major	Sather
Benninghoff	Gannon	Marsico	Saylor
Biancucci	Geist	McGill	Scavello
Birmelin	Gerber	McIlhattan	Schroder
Boyd	Gillespie	McIlhinney	Semmel
Bunt	Gingrich	McNaughton	Smith, B.
Butkovitz	Godshall	Metcalfe	Smith, S. H.
Cappelli	Good	Micozzie	Sonney
Causer	Grell	Millard	Stairs
Civera	Habay	Miller, R.	Steil
Clymer	Harhart	Miller, S.	Stern
Cornell	Harper	Mundy	Stevenson, R.
Crahalla	Harris	Mustio	Stevenson, T.
Creighton	Hasay	Nailor	Taylor, E. Z.
Cruz	Hennessey	Nickol	Taylor, J.
Dally	Herman	O'Brien	True
DeLuca	Hershey	O'Neill	Turzai
Denlinger	Hess	Payne	Watson
Dermody	Hickernell	Petrarca	Wilt
DiGirolamo	Hutchinson	Petri	Wright
Diven	Kauffman	Phillips	Youngblood
Ellis	Keller, M.	Pickett	
Evans, J.	Keller, W.	Pyle	Perzel,
Fairchild	Kenney	Quigley	Speaker

NOT VOTING—0

EXCUSED—4

Leach Rieger Ross Wheatley

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' (197 total). Includes names like Adolph, Allen, Argall, etc.

Evans, J. Lescovitz Rooney Perzel, Fabrizio Levdansky Rubley Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Leach Rieger Ross Wheatley

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 B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 688, PN 969, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Protection, to grant and convey to Erie-Western Pennsylvania Port Authority certain lands situate in the City of Erie, County of Erie.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' (197 total). Includes names like Adolph, Allen, Argall, etc.



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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1358, PN 1633**, entitled:

An Act providing for the remediation of blighted properties in certain municipalities.

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

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move for an immediate suspension of the rules for amendment No. 2631.

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Leach	Rieger	Ross	Wheatley
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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. DIVEN offered the following amendment No. A02631:

Amend Sec. 4, page 2, lines 16 through 18 (A02536), by striking out the comma after "purchase" in line 16 and all of lines 17 and 18 and inserting

or purchase at tax sale.

Amend Bill, page 2, by inserting between lines 30 and 31 (A02536)

Amend Sec. 4, page 5, line 6, by striking out "capital budget"

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Leach Rieger Ross Wheatley

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-170

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

## NAYS—27

Baker	Hutchinson	Nailor	Rohrer
Causer	Kauffman	Nickol	Samuelson
Ellis	Keller, M.	Petrarca	Stern
Forcier	Mackereth	Pickett	Stevenson, R.
Grell	Major	Pyle	Turzai
Habay	Metcalfe	Rapp	Yewcic
Harris	Millard	Reichley	

## NOT VOTING—0

## EXCUSED—4

Leach	Rieger	Ross	Wheatley
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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.

**FINANCE COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Leh, who moves the following bills from the Committee on Finance— Oh, no. The Chair apologizes. Mr. Leh wants to call a meeting. Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I would like to announce a committee meeting of the House Finance Committee tomorrow at 2 p.m. This is a change and a postponement from the original meeting of 9:30. The new meeting is at 2 p.m. in room 205.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will meet tomorrow at 2 p.m. in room 205.

**HOUSE SCHEDULE**

The SPEAKER. Because of the fact that the cafeteria is closed tomorrow, breakfast will be served in the respective caucus rooms tomorrow morning starting at 9 for the members and the staff that will be here.

Tomorrow at noon there will be informal caucuses on both sides of the aisle. Tomorrow at 1 we will have caucus on both sides of the aisle, and we will convene the session tomorrow at 3.

We could not all bear to be without our friends on a lovely holiday.

There are no further votes.

**RECESS**

The SPEAKER. This House is in recess until the call of the Chair.

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(DENNIS E. LEH) PRESIDING****SENATE BILL FOR CONCURRENCE**

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

**SB 565, PN 1038**

Referred to Committee on JUDICIARY, July 1, 2005.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, calls a committee meeting for the hour of 2:45 in the rear of the House.

Again, the Judiciary Committee will meet at 2:45 in the rear of the House.

**SENATE MESSAGE****HOUSE AMENDMENTS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 584, PN 1029**.

**SENATE MESSAGE****HOUSE BILL  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 398, PN 386**, with information that the Senate has passed the same without amendment.

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

The clerk of the Senate, being introduced, returned **HB 129, PN 2435**; and **HB 157, PN 2428**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**JOURNAL APPROVED**

The SPEAKER pro tempore. The Journal for Tuesday, March 29, 2005, is in print, and without objection, it will be approved.

**RECESS**

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

**AFTER RECESS**

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

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

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Feese, calls for an immediate meeting of the Appropriations Committee in room 245. All members of the Appropriations Committee will please report to room 245.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table:

SB 607;  
SB 608;  
SB 609;  
SB 610;  
SB 611;  
SB 612;  
SB 613; and  
SB 614.

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:

**SB 607, PN 766; SB 608, PN 640; SB 609, PN 641; SB 610, PN 642; SB 611, PN 643; SB 612, PN 644; SB 613, PN 645; and SB 614, PN 646.**

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken from the table: SB 229.

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

**BILL ON SECOND CONSIDERATION**

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

**SB 229, PN 980.**

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bill be recommitted to the Committee on Appropriations: SB 229.

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

The SPEAKER. The House will be temporarily at ease waiting for the outcome of the Appropriations Committee meeting.

**BILLS REREPORTED FROM COMMITTEE**

**HB 102, PN 95**

By Rep. FEESE

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for impact of plat; and further providing for application for tentative approval of planned residential development.

**APPROPRIATIONS.**

**SB 157, PN 1048**

By Rep. FEESE

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the delegation of taxing powers and restrictions thereon; repealing provisions relating to continuation of occupational privilege taxes; and making editorial changes.

**APPROPRIATIONS.**

**SB 361, PN 1049**

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 home education programs.

**APPROPRIATIONS.****BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**SB 565, PN 1038**

By Rep. O'BRIEN

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

**JUDICIARY.**

**BILLS AND RESOLUTIONS PASSED OVER**

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

**RECESS**

The SPEAKER. The Chair at this time recognizes the gentleman from Erie, Mr. Sonney.

Mr. SONNEY. Mr. Speaker, I move that this House do now recess until Saturday, July 2, 2005, at 3:20 p.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 3:19 p.m., e.d.t., Saturday, July 2, 2005, the House recessed.