

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 5, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 73

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

REV. DAVID PETERSON, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Most holy, eternal and living God, we give You thanks and praise for the citizens of our Commonwealth of Pennsylvania and for those who have been called to serve and lead in these hallowed halls. We pray for Your divine guidance in all of our affairs and all that are deliberated here, for as goes Pennsylvania, so goes the entire nation.

Grant, merciful Lord, that Pennsylvania, the cradle of freedom, may set the standard in all causes of liberty and justice, human dignity, and spiritual freedom for our nation and for the people of the world.

And for these holy endeavors, we have laid upon the altar of freedom the costly offerings of our sons and daughters who have valiantly served in our nation's Armed Forces. We give You thanks and praise for each of their lives – especially this day we remember before You LCpl. Jason Lee Frye – and we pray for Your peace and comfort for all of their loved ones as they grieve, until we are reunited with them in Your loving arms.

May we never forget them, and may we never forget each person serving in our Armed Forces. We pray for their safety and protection and that they would have every provision needed to complete their task. We pray for a peaceful and expedient conclusion to all conflict, and having secured liberty and justice for all, bring our loved ones home to our awaiting arms.

In Your most holy name, we humbly pray before You. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2279 By Representatives BAKER, PICKETT, CAPPELLI, ALLEN, BALDWIN, BOYD, BUNT, CALTAGIRONE, CLYMER, CRAHALLA, CREIGHTON, FAIRCHILD, FLEAGLE, FREEMAN, GINGRICH, GODSHALL, GOOD, GRUCELA, HARRIS, HENNESSEY, HERMAN, HERSHEY, MACKERETH, MICOZZIE, PAYNE, RAYMOND, READSHAW, SAYLOR, SCAVELLO, B. SMITH, SOLOBAY, E. Z. TAYLOR, TIGUE, WALKO, YOUNGBLOOD, CORNELL, KILLION and YUDICHAK

An Act authorizing school tax relief in the form of a calculated real property tax exemption for certain eligible taxpayers in this Commonwealth; and imposing duties on assessors in counties and school districts.

Referred to Committee on FINANCE, December 5, 2005.

No. 2280 By Representatives SAYLOR, LEH, CAPPELLI, GILLESPIE, GODSHALL, SCAVELLO, R. STEVENSON, ALLEN, ARGALL, BELFANTI, BOYD, BUNT, CALTAGIRONE, CRAHALLA, CREIGHTON, FRANKEL, FREEMAN, GEIST, GINGRICH, GOODMAN, GRUCELA, HARRIS, HENNESSEY, HERSHEY, LEDERER, MANDERINO, MARKOSEK, MICOZZIE, O'NEILL, PAYNE, RAYMOND, REICHLEY, SONNEY, E. Z. TAYLOR, THOMAS, WALKO, WATSON, YUDICHAK, RAPP, BALDWIN, JAMES and SHANER

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

Referred to Committee on FINANCE, December 5, 2005.

No. 2281 By Representatives WATERS, KIRKLAND, JAMES, THOMAS, DENLINGER, McILHATTAN, SIPTROTH and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the required recording of interrogations.

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2282 By Representatives SATHER, SEMMEL, TIGUE, PHILLIPS, NAILOR, ALLEN, BUNT, CALTAGIRONE, CAWLEY, CORRIGAN, CRAHALLA, FAIRCHILD, FICHTER, FLEAGLE, GEORGE, GODSHALL, HASAY, HERMAN, HUTCHINSON, KAUFFMAN, LEDERER, MANN, RAYMOND, READSHAW, SCHRODER, WATSON, HARHART, BALDWIN, GINGRICH, O'NEILL, JAMES, ROSS, PAYNE, GOODMAN, R. STEVENSON, CAPPELLI, RAPP, GOOD, MICOZZIE, MARSICO, ADOLPH, CAUSER, BOYD, TURZAI, HARRIS, STERN, YOUNGBLOOD, PYLE, ZUG, HERSHEY, SAYLOR, HARHAI and E. Z. TAYLOR

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 personal income tax, for classes of income.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 5, 2005.

No. 2283 By Representative MACKERETH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for information relating to other persons in contact with children.

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2284 By Representative O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for liability of organizations and certain related persons.

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2285 By Representatives PETRARCA, BLAUM, GEORGE, PYLE, MANN, BARRAR, BOYD, CALTAGIRONE, CASORIO, DeWEESE, FABRIZIO, GABIG, GOOD, GOODMAN, GRUCELA, HENNESSEY, HESS, KAUFFMAN, LEACH, LEDERER, MARKOSEK, SCAVELLO, SCHRODER, SIPTROTH, SHANER, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRUE, TURZAI, WILT and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the illegal dumping of methamphetamine waste.

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2286 By Representative DiGIROLAMO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations on actions and for other offenses.

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2287 By Representative O'BRIEN

An Act amending Titles 18 (Crimes and Offenses), and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for liability of organizations and certain related persons; and further providing for limitations on actions and for other offenses.

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2288 By Representative GOOD

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

Referred to Committee on JUDICIARY, December 5, 2005.

No. 2289 By Representatives CORRIGAN, MELIO, YOUNGBLOOD, ADOLPH, BEBKO-JONES, BUXTON, CALTAGIRONE, CASORIO, CAWLEY, CORNELL, CRAHALLA, CRUZ, CURRY, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GOODMAN, JOSEPHS, KENNEY, LEACH, LEDERER, MAHER, MANDERINO, O'NEILL, PISTELLA, REICHLEY, ROONEY, RUBLEY, SHAPIRO, STEIL, TANGRETTI, THOMAS, TRUE, WALKO and WATSON

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, prohibiting the taking of exotic wildlife or domestic animals for a fee and the provision of exotic wildlife or domestic animals for the purpose of a prohibited taking; and imposing penalties.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, December 5, 2005.

No. 2291 By Representative TRUE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for failure to report serious violent or sexual crimes against children.

Referred to Committee on JUDICIARY, December 5, 2005.

BILLS REMOVED FROM TABLE

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

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

HB 914;
HB 1479; and
HB 1588.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be placed on the table:

HB 914;
HB 1479; and
HB 1588.

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

BILLS REMOVED FROM TABLE

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

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

HB 1348;
HB 1784;
HB 2145; and
HB 2216.

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

BILLS ON SECOND CONSIDERATION

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

HB 1348, PN 3168; HB 1784, PN 2322; and HB 2145, PN 2968.

BILLS RECOMMITTED

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

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

HB 1348;
HB 1784; and
HB 2145.

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

**COMMUNICATION FROM
DEPARTMENT OF HEALTH**

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Department of Health's Annual Quality Assurance Report for the period of July 1, 2004, through June 30, 2005.

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

REPORT SUBMITTED

The SPEAKER pro tempore. The Speaker acknowledges receipt of the 2004-2005 Primary Health Care Practitioner Program progress report from the Department of Health.

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

**COMMUNICATION FROM
INTERGOVERNMENTAL COOPERATION
AUTHORITY FOR CITIES
OF THE SECOND CLASS**

The SPEAKER pro tempore. The Speaker acknowledges receipt of a letter from the Intergovernmental Cooperation Authority for Cities of the Second Class rejecting the city's 2006 budget and 5-year plan. This letter was submitted pursuant to section 209(h) of the Intergovernmental Cooperation Authority Act.

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

**COMMUNICATION FROM
INSURANCE DEPARTMENT**

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Annual Statistical Report from the Insurance Department submitted pursuant to section 219 of the Insurance Department Act.

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

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of the following fiscal note to SB No. 889, PN 1172.

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

CALENDAR**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1637, PN 2022**, entitled:

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, further providing for waiver of liens, for effect of waiver of liens and for rescission of contracts between contractors and subcontractors.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1637 be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1637 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

HB 2216, PN 3090.

LEAVES OF ABSENCE

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

The Chair recognizes the majority whip, who requests a leave of absence for the day for the gentlelady, Mrs. TAYLOR, from Chester County; the gentleman, Mr. SAYLOR, from York County; the gentleman, Mr. BUNT, from Montgomery County; and the gentleman, Mr. ARMSTRONG, from Lancaster County. Without objection, the leaves of absence are granted.

And the Chair recognizes the minority whip, who requests a leave of absence for the day for the gentleman, Mr. EVANS, from Philadelphia County; the gentlelady, Ms. BISHOP, from Philadelphia County; the gentleman, Mr. PALLONE, from Westmoreland County; and for the week, the gentleman, Mr. SHANER, from Fayette County; the gentleman, Mr. DeLUCA, from Allegheny County; and the gentleman, Mr. RIEGER, from Philadelphia County. Without objection, the leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—191

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

ADDITIONS—2

Habay Ruffing

NOT VOTING—0

EXCUSED—10

Armstrong	DeLuca	Rieger	Shaner
Bishop	Evans, D.	Saylor	Taylor, E. Z.
Bunt	Pallone		

LEAVES ADDED—5

Feese	Keller, W.	McIlhinney	Taylor, J.
Harhai			

LEAVES CANCELED—2

Armstrong	Pallone
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GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Winston Jones, who is located to the left of the Speaker; and son, Elliot, guest page. These are guests of Representative McIlhinney. Welcome.

The Chair welcomes Ms. Georgianne Spangler, who is the newest district aide for Representative Steve Maitland. Georgianne is located to the left of the Speaker. Please rise and be recognized.

Aaron Wilkinson is here today serving as a guest page. He is an eighth grader at Corpus Christi School located in Chambersburg. Aaron is the guest of Representative Rob Kauffman. Please rise and be recognized.

The Chair welcomes to the hall of the House J.D. Bruno and Evan Bensch, seventh graders at St. Catherine Labouré School, and they are guest pages, who are guests of Representative John Payne. Please rise and be recognized.

The Chair welcomes Mr. Lee Dushoff of Philadelphia and his grandson, Daniel Zabari. Daniel is 9 years old and in third grade at the P.S. 236 in Brooklyn, New York, who are guests of Representative Kathy Manderino. They are located to the left of the Speaker.

The Chair welcomes to the hall of the House John Stumpff from St. Michael School and Nicholas Cianci from St. Michael School, who are guests of Representative Rod Wilt. These are guest pages, and they are eighth grade students at St. Michael. Please rise and be recognized.

RULES COMMITTEE MEETING

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

BILL REREPORTED FROM COMMITTEE

HB 1467, PN 2559

By Rep. S. SMITH

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations; and prescribing penalties.

RULES.

DAIRY PRINCESS PRESENTED

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

Members, please take your seats. Members, please take your seats.

The gentleman, Mr. Solobay, seeks recognition.

Mr. SOLOBAY. Thank you, Mr. Speaker.

It is with great pride today that myself, along with the entire Washington delegation, Washington County delegation, welcome to the hall of the House Katie Skaggs. Katie is the 49th annual 2005 State Dairy Princess. Katie is the daughter of Susan and Gary Skaggs, and she is also the Washington County Dairy Princess right now reigning.

Katie was crowned this past September as the State Dairy Princess. She has been involved in a multitude of things in her

high school, which is Washington High School in Washington, PA. Katie is part of the Students Against Destructive Decisions; the Key Club; the Spanish Club; the National Honor Society; Theater Arts Club; cheerleading squad; cross country, track and field teams. She has her own small herd of 10 Jersey cows that she houses on her cousin's farm and, as you can see with the other things she is involved with, still takes time to represent the Commonwealth, as well as her 4-H Club, the Pike Run 4-H Club, as a very strong advocate for the dairy group.

One unique thing about Katie is, she comes from a family of six brothers and sisters, she being the only girl, five older brothers; none of them are involved with dairy. She is the only one that has decided to do that. She will also be attending a familiar school to many of us in this Commonwealth that deals with agriculture, Penn State University, next year after she graduates from high school.

With Katie today is her mom, Susie Skaggs, to the left of the Speaker's rostrum; her cousin, Bob Lusk; and her sponsor, Junia Isiminger, who deals with the folks from the Dairy Princess group. So please welcome her family.

And lastly, I would ask for a nice round of applause for our 2005 Pennsylvania State Dairy Princess, Katie Skaggs.

RESOLUTIONS PURSUANT TO RULE 35

The SPEAKER pro tempore. We are about to take up a resolution for an Iraqi soldier who paid the ultimate sacrifice.

Mr. M. KELLER called up **HR 514, PN 3119**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Lance Corporal Jason L. Frye, 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, North Carolina, who tragically lost his life while in the service of his country near Al Karmah, Iraq, on October 6, 2005.

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. On that matter, the gentleman, Mr. Keller, is recognized.

Mr. M. KELLER. Thank you, Mr. Speaker.

Today in this hallowed hall we are honoring the life and extending condolence for the supreme sacrifice of LCpl. Jason L. Frye, who tragically lost his life while serving this country near Al Karmah, Iraq, on October 6, 2005.

LCpl. Jason L. Frye was born February 1, 1986, at his home in Landisburg, Perry County. Lance Corporal Frye graduated in 2004 from West Perry High School and Cumberland-Perry Vo-Tech and enlisted in the Marine Corps that same year.

His unit deployed to Iraq this summer for the purpose of providing security in and around Al Karmah, Iraq. On October 6 Lance Corporal Frye, a machine gunner on a Humvee, died instantly, with three other marines, from injuries incurred when an improvised explosive device blew up the vehicle that they were in.

With us today we have the honor of his parents being with us. We have Gary Frye, his father; Connie Frye, his mother; also his grandfather, Richard Potteiger; and our guest minister today, Rev. David Peterson.

This hit very close to home for a very close-knit community; very close to my family. I knew Jason as he was growing up. He was the type of individual who would look at the day and say, what good is there today. He would look at the trees and say, boy, is it not beautiful. That was the type of person that Jason Frye was. He was the type of individual who would look at other people and look at only the good that was in them, nothing to be bad. He will be greatly missed in our community and definitely greatly missed by his family and his extended family.

I certainly appreciate the fact that we are able to offer this resolution to the family today, and I would appreciate your support on this. And as his mother always says, freedom is not free.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

Fairchild
Feese
Fichter

Levdansky
Mackereth

Rohrer
Rooney

Perzel,
Speaker

NAYS—0

NOT VOTING—2

Habay

Ruffing

EXCUSED—10

Armstrong
Bishop
Bunt

DeLuca
Evans, D.
Pallone

Rieger
Saylor

Shaner
Taylor, E. Z.

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

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Mr. METCALFE called up **HR 524, PN 3159**, entitled:

A Resolution recognizing December 10 through 16, 2005, as "Bill of Rights Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—2

Habay Ruffing

EXCUSED—10

Armstrong	DeLuca	Rieger	Shaner
Bishop	Evans, D.	Saylor	Taylor, E. Z.
Bunt	Pallone		

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Mrs. Naomi Nye and her daughter, Terri Nye, of Conneaut Lake, Pennsylvania, who are guests of Representative John Evans located in the balcony. Please rise and be recognized.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In the House Appropriations Committee conference room, there will be an immediate meeting of the House Appropriations Committee.

FINANCE COMMITTEE MEETING

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

Mr. LEH. Thank you, Mr. Speaker.

I would like to announce a committee meeting on the special session of the House Finance Committee immediately upon recess in room 302 of the Irvis Building.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In room 302 of the Irvis Building immediately upon recess, there will be a committee meeting on the special session of the House Finance Committee.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, at the announcement of recess, there will be an immediate meeting of the Health and Human Services Committee in room 39E of the East Wing.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In room 39E in the East Wing, there will be a meeting immediately of the Health and Human Services Committee.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Civera, for an announcement.

Mr. CIVERA. Thank you, Mr. Speaker.

The Republicans will caucus in the majority caucus room at 2:15 and then will return back to the House floor by 3:30.

The SPEAKER pro tempore. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized for an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus at 2:15.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other announcements?

RECESS

The SPEAKER pro tempore. Hearing no other announcements, the House is in recess until 3:30.

RECESS EXTENDED

The time of recess was extended until 4 p.m.; further extended until 4:30 p.m.

AFTER RECESS

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

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

COMMERCE COMMITTEE MEETING

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

Mr. HASAY. Mr. Speaker, I would like to call a brief meeting of the House Commerce Committee in the rear of the chamber immediately; the House Commerce Committee in the rear of the chamber immediately for a brief meeting.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a brief meeting immediately in the rear of the chamber of the House Commerce Committee.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The Chair recognizes the minority whip, who moves for a leave of absence for the remainder of the day for the gentleman, Mr. HARHAI. Without objection, that leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Pallone. His name will be added to the master roll.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Habay. His name will be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Bucks, Mr. McILHINNEY, for the remainder of the day.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Lancaster, Mr. Armstrong. His name will be added to the master roll.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2290 By Representatives BALDWIN, THOMAS, BELARDI, BOYD, CALTAGIRONE, COSTA, CRAHALLA, FABRIZIO, FAIRCHILD, FREEMAN, GEIST, GEORGE, GINGRICH, GOODMAN, GRUCELA, HASAY, HENNESSEY, HERSHEY, HESS, JAMES, KOTIK, LEH, MAHER, MARSICO, R. MILLER, PAYNE, RAPP, READSHAW, REICHLEY, ROEBUCK, ROHRER, SAINATO, SCHRODER, SHANER, SIPTROTH, SOLOBAY,

STABACK, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, WANSACZ, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining "unfair methods of competition" and "unfair or deceptive acts or practices."

Referred to Committee on CONSUMER AFFAIRS, December 5, 2005.

No. 2292 By Representatives MARKOSEK, CIVERA, McGEEHAN, RAYMOND, THOMAS, BOYD, CALTAGIRONE, CASORIO, CORRIGAN, CREIGHTON, DALLY, FABRIZIO, FAIRCHILD, FLICK, FREEMAN, GEIST, GEORGE, GRUCELA, HALUSKA, HARHAI, HASAY, JOSEPHS, KAUFFMAN, KIRKLAND, LEDERER, MUNDY, O'NEILL, PETRARCA, READSHAW, ROSS, SAINATO, SIPTROTH, STURLA, SURRA, TANGRETTI, J. TAYLOR, TIGUE, WHEATLEY, WOJNAROSKI, YOUNGBLOOD and WANSACZ

An Act providing for the protection of consumers from phishing and for criminal and civil enforcement.

Referred to Committee on COMMERCE, December 5, 2005.

No. 2293 By Representatives DIVEN, CALTAGIRONE, CASORIO, CREIGHTON, FICHTER, GOODMAN, HARHART, JAMES, KOTIK, MANN, MUSTIO, NICKOL, PISTELLA, READSHAW, THOMAS, KILLION, W. KELLER and YOUNGBLOOD

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

Referred to Committee on STATE GOVERNMENT, December 5, 2005.

No. 2294 By Representatives DIVEN, CALTAGIRONE, CREIGHTON, MUSTIO, PISTELLA and W. KELLER

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for contents of the coordinator's plan.

Referred to Committee on STATE GOVERNMENT, December 5, 2005.

No. 2296 By Representatives SEMMEL, TIGUE, STERN, BEBKO-JONES, ADOLPH, ARMSTRONG, BELARDI, BELFANTI, BLACKWELL, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, COHEN, CORRIGAN, CRAHALLA, CREIGHTON, CURRY, DeWEESE, FAIRCHILD, FRANKEL, GEORGE, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARPER, HENNESSEY, HERMAN, HESS, HUTCHINSON, KAUFFMAN, M. KELLER, KOTIK, LEH, MANN, MARKOSEK, MARSICO, McGEEHAN, McILHATTAN, MICOZZIE, R. MILLER, S. MILLER, MUNDY, MUSTIO, NAILOR, O'NEILL, PETRARCA, PICKETT, PYLE, RAPP, RAYMOND, READSHAW,

REICHLEY, ROSS, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH, B. SMITH, SOLOBAY, SONNEY, R. STEVENSON, T. STEVENSON, SURRA, E. Z. TAYLOR, THOMAS, YOUNGBLOOD and ZUG

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for retention of licenses of persons entering military service.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 5, 2005.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 529 By Representatives FAIRCHILD, CAWLEY, B. SMITH, STABACK, S. H. SMITH, DeWEESE, ADOLPH, ALLEN, ARMSTRONG, BAKER, BALDWIN, BELARDI, BELFANTI, BENNINGHOFF, BOYD, BUNT, CALTAGIRONE, CASORIO, CAUSER, CLYMER, COSTA, CRAHALLA, CREIGHTON, DeLUCA, J. EVANS, FEESE, FICHTER, FLEAGLE, FRANKEL, FREEMAN, GEIST, GEORGE, GILLESPIE, GINGRICH, GOOD, GOODMAN, GRUCELA, HANNA, HARRIS, HASAY, HENNESSEY, HERMAN, HESS, HUTCHINSON, JAMES, JOSEPHS, M. KELLER, LaGROTTA, LEH, MACKERETH, MAJOR, MANN, MARKOSEK, MARSICO, McGEEHAN, McILHATTAN, METCALFE, S. MILLER, MUNDY, MUSTIO, NAILOR, O'NEILL, PAYNE, PETRARCA, PHILLIPS, PICKETT, PISTELLA, PYLE, RAMALEY, RAPP, RAYMOND, READSHAW, REED, REICHLEY, RUBLEY, SANTONI, SATHER, SAYLOR, SHAPIRO, SIPTROTH, SOLOBAY, SONNEY, STAIRS, R. STEVENSON, T. STEVENSON, SURRA, E. Z. TAYLOR, TURZAI, WALKO, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG and YUDICHAK

A Resolution urging the President and Congress of the United States to amend the provision of law requiring applicants for hunting and fishing licenses to provide their Social Security numbers or other identifying numbers by exempting applicants age 16 and under.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, December 5, 2005.

SENATE MESSAGE

HOUSE RESOLUTION CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 88, PN 560**.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2243, PN 3170

By Rep. FEESE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for autism spectrum disorders coverage.

APPROPRIATIONS.

HB 2244, PN 3171

By Rep. FEESE

An Act amending the act of July 7, 2005 (P.L. , No.1A), known as the General Appropriation Act of 2005, reducing the state appropriations for general government operations of the various departments and increasing the Federal and state appropriations for medical assistance - outpatient.

APPROPRIATIONS.

HB 2245, PN 3172

By Rep. FEESE

An Act amending the act of July 7, 2005 (P.L. , No.1A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2005, to June 30, 2006, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2005, to June 30, 2006; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2005, to June 30, 2006, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004." reducing the State appropriation for education assistance and increasing the Federal and State appropriations for medical assistance - outpatient.

APPROPRIATIONS.

HB 2246, PN 3175

By Rep. FEESE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance benefit packages, coverages, copayments and rates.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 194, PN 202

By Rep. FEESE

An Act amending the act of December 20, 2001 (P.L.969, No.116), known as the Dormitory Sprinkler System Act, further providing for the sprinkler system program.

APPROPRIATIONS.

HB 348, PN 2999

By Rep. FEESE

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for multidisciplinary team; establishing the Child Abuse Multidisciplinary Response Account; providing for additional duties of the Department of Public Welfare; making an appropriation; and further providing for deposits into account.

APPROPRIATIONS.

HB 509, PN 547

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 campus police powers and duties.

APPROPRIATIONS.

HB 609, PN 682

By Rep. FEESE

An Act providing for a loan program to assist colleges to install automatic fire suppression systems in student residences; establishing the Sprinkler Loan Fund; providing for the powers and duties of the Department of Community and Economic Development; and prescribing a penalty.

APPROPRIATIONS.

HB 659, PN 752

By Rep. FEESE

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

APPROPRIATIONS.

HB 804, PN 966

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for fleeing or attempting to elude police officer.

APPROPRIATIONS.

HB 1085, PN 3051

By Rep. FEESE

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law, further providing for students eligible for State scholarship.

APPROPRIATIONS.

HB 1112, PN 1319

By Rep. FEESE

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of corrupt organizations; providing for the offense of trafficking in persons; further providing for order authorizing interception of wire, electronic or oral communications; and providing for sentencing for trafficking of persons.

APPROPRIATIONS.

HB 1326, PN 3105

By Rep. FEESE

An Act establishing the At-Risk Elderly Wireless Emergency Telephone Program; conferring powers and duties on the Department of Aging; and providing additional powers to the Area Agencies on Aging.

APPROPRIATIONS.

HB 1348, PN 3168

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for identity theft; and making a related repeal.

APPROPRIATIONS.

HB 1607, PN 2738

By Rep. FEESE

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for penalties for certain offenses involving marijuana.

APPROPRIATIONS.

HB 1632, PN 2017

By Rep. FEESE

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining "abuse," "unfair methods of competition" and "unfair or deceptive acts or practices."

APPROPRIATIONS.

HB 1641, PN 2026

By Rep. FEESE

An Act amending Titles 30 (Fish) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for boat and marine forfeiture, for the powers and duties of the Pennsylvania Fish and Boat Commission, for boat, marine equipment and watercraft trailer forfeiture and for the powers and duties of the Department of Transportation.

APPROPRIATIONS.

HB 1697, PN 2887

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

APPROPRIATIONS.

HB 1784, PN 2322

By Rep. FEESE

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for registration and for the definition of "other specified offense."

APPROPRIATIONS.

HB 1993, PN 2734

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for automated red light enforcement systems in first class cities.

APPROPRIATIONS.

HB 2136, PN 3057

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties and sentencing for accidents involving death or personal injury.

APPROPRIATIONS.

HB 2191, PN 3026

By Rep. FEESE

An Act creating the Commonwealth Pharmaceutical Recycling Act; providing for redistribution of prescription drugs at State correctional facilities; and imposing powers and duties on the Governor's Office of Administration.

APPROPRIATIONS.

SB 539, PN 872

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the offense of trespass on private property while hunting; and prescribing penalties.

APPROPRIATIONS.

SB 596, PN 616

By Rep. FEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements thereon situate in the Borough of Ambridge, Beaver County.

APPROPRIATIONS.

SB 712, PN 1272

By Rep. FEESE

An Act providing for the notification of residents whose personal information data was or may have been disclosed due to a security system breach; and imposing penalties.

APPROPRIATIONS.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the remainder of the day for the gentleman from Philadelphia, Mr. TAYLOR. Without objection, that leave will be granted.

RESOLUTION PURSUANT TO RULE 35

Mr. PAYNE called up **HR 523, PN 3158**, entitled:

A Resolution honoring Franklin D. Linn, Sr., who has visited children at Christmastime, distributing presents and goodwill at

shopping malls and other public places for the past 50 years, portraying Santa Claus.

On the question,

Will the House adopt the resolution?

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

Mr. PAYNE. Thank you, Mr. Speaker.

If I could have Santa Claus come forward, please. I know he is in the House.

In addition to the resolution, we have a House citation. I am not going to read the House citation in the interest of time, but I do think it is important that as we get caught up in all the hustle and bustle in everything that we do, that there is a gentleman before us who has dedicated 50 years of his life to go out and bring joy to those who are less fortunate and to the children of our world who still believe in Santa Claus, and it is to his credit for doing this, and I would like to recognize Frank here today for all of his efforts in providing good spirits and cheer to not just the boys and girls of the world but also those of us in the chamber. Everybody who knows Frank Linn knows he is not just a good servant, a good person, but a great Santa Claus. Frank.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1826, PN 2440

By Rep. HASAY

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.

COMMERCE.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Ruffing. His name will be added to the master roll.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 659, PN 752**, entitled:

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

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

Mr. **THOMAS** offered the following amendment No. **A02015**:

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

the offenses of possessing instruments of crime
and of

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

Section 1. Sections 907(b) and 6501(b)(1) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 907. Possessing instruments of crime.

* * *

(b) Possession of weapon.—A person commits a [misdemeanor of the first] felony of the third degree if he possesses a firearm or other weapon concealed upon his person with intent to employ it criminally.

* * *

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—181

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

NAYS—11

Casorio	Grell	Kotik	Readshaw
Causer	Kauffman	Pyle	Rooney
Diven	Keller, M.	Rapp	

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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. Does the gentlelady, Mrs. Crahalla, have a further amendment for this bill? The lady waives off.

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

Bill as amended was agreed to.

The SPEAKER. 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—191

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

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

NAYS—0

NOT VOTING—1

Gingrich

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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 1112, PN 1319**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of corrupt organizations; providing for the offense of trafficking in persons; further providing for order authorizing interception of wire, electronic or oral communications; and providing for sentencing for trafficking of persons.

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

Mrs. **TRUE** offered the following amendment No. **A04508**:

Amend Title, page 1, line 7, by removing the period after “persons”

and for criminal forfeiture.

Amend Sec. 2 (Chapter Analysis), page 3, by inserting between lines 17 and 18
3004. Forfeiture.

Amend Sec. 2, page 5, by inserting between lines 2 and 3
§ 3004. Forfeiture.

(a) General rule.—The following shall be subject to forfeitures to the Commonwealth and no property right shall exist in them:

(1) All assets foreign or domestic:

(i) Of an individual, entity or organization engaged in planning or perpetrating an act in this Commonwealth which violates section 3002 (relating to trafficking of persons) and all assets, foreign or domestic, affording a person a source of influence over such individual, entity or organization.

(ii) Acquired or maintained by a person with the intent and for the purpose of supporting, planning, conducting or concealing an act in this Commonwealth which violates section 3002.

(iii) Derived from, involved in or used or intended to be used to commit an act in this Commonwealth which violates section 3002.

(2) All assets within this Commonwealth:

(i) Of an individual, entity or organization engaged in planning or perpetrating an act which violates section 3002.

(ii) Acquired or maintained with the intent and for the purpose of supporting, planning, conducting or concealing an act which violates section 3002.

(iii) Derived from, involved in or used or intended to be used to commit an act which violates section 3002.

(b) Process and seizures.—Property subject to forfeiture under this section may be seized by the law enforcement authority upon process issued by any court of common pleas having jurisdiction over the property.

(c) Custody of property.—

(1) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement authority subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney.

(2) When property is seized under this section, the law enforcement authority shall place the property under seal and either:

(i) remove the property to a place designated by it; or

(ii) require that the district attorney take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) Transfer of property.—Whenever property is forfeited under this section, the property shall be transferred to the custody of the district attorney. The district attorney, where appropriate, may retain the property for official use or sell the property, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be used for the enforcement of the criminal laws of Pennsylvania.

(e) Proceedings and petition.—The proceedings for the forfeiture or condemnation of property, the retention or sale of which is provided for in this section, shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of common pleas of the judicial district where the property is located, verified by oath or affirmation of an officer or citizen, containing the following:

(1) A description of the property seized.

(2) A statement of the time and place where seized.

(3) The owner, if known.

(4) The person or persons in possession, if known.

(5) An allegation that the property is subject to forfeiture pursuant to this section and an averment of material facts upon which forfeiture action is based.

(6) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned unless cause be shown to the contrary.

(f) Service.—A copy of the petition required under subsection (e) shall be served personally or by certified mail on the owner or the person or persons in possession at the time of the seizure. The copy shall have endorsed a notice, as follows:

To the claimant of within Described Property:

You are required to file an answer to this petition, setting forth your title in, and right to possession of, the property within 30 days from the service of this notice. You are also notified that, if you fail to file the answer, a decree of forfeiture and condemnation will be entered against the property.

The notice shall be signed by the district attorney, deputy district attorney or assistant district attorney.

(g) Notice.—

(1) If the owner of the property is unknown or there was no person in possession of the property when seized or if the owner or such person or persons in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court, notice of the petition shall be given by the Commonwealth through an advertisement in only one newspaper of general circulation published in the county where the property shall have been seized, once a week for two successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding.

(2) The notice shall contain a statement of the seizure of the property with a description of the property and the place and date of seizure and shall direct any claimants to the property to file a claim on or before a date given in the notice, which date shall not be less than 30 days from the date of the first publication.

(3) If no claims are filed within 30 days of publication, the property shall summarily forfeit to the Commonwealth.

(h) Unknown owner.—For purposes of this section, the owner, or other such person cannot be found in the jurisdiction of the court if:

(1) a copy of the petition is mailed to the last known address by certified mail and is returned without delivery;

(2) personal service is attempted once but cannot be made at the last known address; and

(3) a copy of the petition is left at the last known address.

(i) Waiver of notice.—The notice provisions of this section are automatically waived if the owner, without good cause, fails to appear in court in response to a subpoena on the underlying criminal charges. Forty-five days after such a failure to appear, if good cause has not been demonstrated, the property shall summarily forfeit to the Commonwealth.

(j) Hearing date.—Upon the filing of a claim for the property setting forth a right of possession, the case shall be deemed at issue and a date and time shall be fixed for the hearing.

(k) Burden of proof.—At the hearing, if the Commonwealth produces evidence that the property in question was unlawfully used, possessed or otherwise subject to forfeiture under this section, the burden shall be upon the claimant to show by a preponderance of the evidence:

(1) That the claimant is the owner of the property or the holder of a chattel mortgage or contract of conditional sale thereon.

(2) That the claimant lawfully acquired the property.

(3) That the property was not unlawfully used or possessed by the claimant. If it appears that the property was unlawfully used or possessed by a person other than the claimant, then the claimant shall show that the unlawful use or possession was without his knowledge or consent. Such absence of knowledge or consent must be reasonable under the circumstances presented.

(l) Claims of ownership.—If a person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon the property, the disposition of which is provided for in this section, prior to the sale

presents a petition to the court alleging lawful ownership, right of possession, a lien or reservation of title to the property and if, on public hearing, due notice of which having been given to the district attorney, the claimant shall prove by a preponderance of the evidence that the property was lawfully acquired, possessed and used by him or, it appearing that the property was unlawfully used by a person other than the claimant, that the unlawful use was without the claimant's knowledge or consent, then the court may order the property returned or delivered to the claimant. Such absence of knowledge or consent must be reasonable under the circumstances presented. Otherwise, it shall be retained for official use or sold in accordance with this section.

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentledady stand for brief interrogation?

The SPEAKER. The gentledady indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. Could we have a brief explanation of this amendment?

Mrs. TRUE. Thank you, Mr. Speaker.

This amendment will just provide for forfeiture of assets from anybody who is involved in human trafficking.

Mr. VITALI. Does the forfeiture, is that limited to those assets involved with the human trafficking?

Mrs. TRUE. Yes; yes, it does.

Mr. VITALI. I want you to double-check that because that seems to be at variance with what was discussed in our caucus and is my chief concern of this amendment. It is my understanding that this forfeiture goes beyond the assets, be it a vehicle or a home or whatever might be used in the crime, but goes beyond that to all of the assets of the person involved in this crime, and I am trying to get a sense for that, whether the description in caucus is true or not.

Mrs. TRUE. Mr. Speaker, I just want to give you what my understanding is, which I will read from the amendment; "Derived from, involved in or used or intended to be used to commit an act" in this Commonwealth "which violates section 3002."

Mr. VITALI. Now, I am looking— Again, I do not have the— The amendment is on the screen, but section (1) talks about, all assets foreign and domestic. Now, admittedly, I have not read the whole thing, but where it says, all assets foreign and domestic.

Mrs. TRUE. Well, Mr. Speaker, from my understanding of it, I obviously believe what I am saying to you, so you will have to clarify a little more, because it is my intention that this deals with people who are dealing in human trafficking, and that is my understanding of it. Now, all assets that afford control over human trafficking, so it is not intended to do what you are saying, so I guess we differ in your interpretation.

Mr. VITALI. Well, I mean, I think that it is important to clear that up, because if we are just dealing with assets involved in the trafficking, I do not have a problem, but if we are dealing with all assets of an individual whether they are involved in trafficking or not, then I think it might be overbroad. Is there a way we can clarify this before we take a vote on it?

Mrs. TRUE. Mr. Speaker, I will try to use some of the legal jargon that I am learning. There has to be a nexus of the fact. So—

Mr. VITALI. I am sorry. I am sorry. I just did not hear what—

Mrs. TRUE. I will try to use the legal jargon that I am learning. There has to be a nexus of fact. In other words, if you are involved in human trafficking and we can find that nexus, we are going to take what we can from you. The asset has to be connected to the trafficking.

Mr. VITALI. Does it have to be somehow used in it, used in some way in the trafficking? For example, let us say, for example, a person involved in human trafficking owned a home but that was in no way involved. The person, the alleged victim here, never went to the home; the home did not have records; there is just no connection to this person's home. Would that home be subject to forfeiture?

Mrs. TRUE. The only thing I can say is, there has to be a logical connection. I mean, I am assuming if there is proof that it had absolutely nothing to do with it, that would be something else, but if there is a logical connection to the trafficking, they can use it in the forfeiture.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentledady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, J.	Leh	Roebuck	
Fabrizio	Lescovitz	Rohrer	
Fairchild	Levdansky	Rooney	Perzel,
Feese	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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 194, PN 202**, entitled:

An Act amending the act of December 20, 2001 (P.L.969, No.116), known as the Dormitory Sprinkler System Act, further providing for the sprinkler system program.

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

RULES SUSPENDED

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

Mr. MCGEEHAN. Mr. Speaker, I move to suspend the rules of the House for immediate consideration of amendment No. 4645.

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

The following roll call was recorded:

YEAS—192

Adolph	Fichter	Maher	Ross
Allen	Fleagle	Maitland	Rubley
Argall	Flick	Major	Ruffing
Armstrong	Forcier	Manderino	Sainato
Baker	Frankel	Mann	Samuelson

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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. **McGEEHAN** offered the following amendment No. **A04645**:

Amend Bill, page 3, by inserting between lines 12 and 13

Section 2. The amendment of section 3 of the act shall apply only to those projects for which bonds are issued on or after the effective date of this act.

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

On the question,

Will the House agree to the amendment?

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

Mr. **McGEEHAN**. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this is an agreed-to amendment by the prime sponsor of the bill. It inserts a provision to make the new language apply to those projects, the sprinkler projects, for which bonds are issued on or after 60 days from the effective date.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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—192

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

Fabrizio	Lescovitz	Rohrer	
Fairchild	Levdansky	Rooney	Perzel,
Feese	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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 509, PN 547**, 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 campus police powers and duties.

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

Mr. **SOLOBAY** offered the following amendment No. **A03765**:

Amend Sec. 1, page 1, line 9, by striking out "2109-A" and inserting

2019-A

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the prime sponsor stand for brief interrogation?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the prime sponsor give a brief explanation of the bill?

Mr. SOLOBAY. Yes, Mr. Speaker.

Basically what this bill will do is to unify our State universities as far as the police officers on campus being able to have all the tools available to them as their counterparts that are also municipally police officer trained.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

As this bill was described in caucus, and again, I commend the gentleman on his concern about the safety on our campuses, but basically what this bill would do, and please correct me if I am wrong, with regard to our 16 State schools – I think there are 16 State schools – it would require the campus police, it would require them to have guns. Now, right now the decision as to whether the campus police on schools like, I guess at schools like Penn State we are talking about, or, well, it would require those 16 schools, require the guards to have guns. Right now under current law it is up to the university. It is up to specifically the college president to make that decision as to whether he wants the campus police to have guns, and it is my understanding that 14 of 16, in fact, do have guns, and two of them, it is Indiana University of Pennsylvania, Indiana, and I think there is one other one, those presidents have opted that they do not carry guns.

My feeling is that this is a decision that the university should be making. The question really is, who should be making the decision as to whether the police on campus should have guns or not? Should we just say everyone has to no matter what, or should this be the decision that the college itself should make? I think that it should be the college, and in particular, the head person at the college, to make that decision as to whether guns are carried or not. So my feeling is that we should vote “no” on this and leave it up to the decision of the college, who best knows their individual situation, whether they feel their guards, their campus police, should have guns or not.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker. On the bill.

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

Mr. SOLOBAY. I appreciate the last speaker's comments, and as it was discussed in caucus as well as in committee, the State-owned universities, presently right now the campus police that are on the State-owned universities, not the campus security folks but the actual campus police, go through the same municipal police training that every municipal police officer in the Commonwealth of Pennsylvania goes through. Every town, township, city, borough police officer has all the tools at their disposal to do their job.

Now, we have our children, the officers themselves, as well as employees of the Commonwealth that are in a small city, which a lot of our State-owned universities are. They get to do everything at their power except for have all the tools accessible to them that they may need to carry out their job. We are not asking for anything that we are not allowing every other municipally trained police officer to do in the Commonwealth. There is no municipal officer anywhere in the Commonwealth that does their job without all the tools. Basically this is a bill that basically will provide them the assurance that they can do their work as they are trained to.

We passed several years ago on this floor a bill that enabled campus police officers to work in conjunction with the municipal officers of the communities that the colleges are located. Very often these officers are the backup for the municipal police officers in those communities. If they have an issue with a shooting or a serious crime that is going on, walking into that situation without the proper equipment is only putting them at risk and everyone else around them at risk. The same thing could occur on the college campuses.

So based on that figure and based on the fact that these are all trained officers – many of them serve as police officers in their own communities or other communities as a part-time job or as a full-time job and do the campus police work also as a full- or part-time position; we are not just randomly putting people out in the street doing a job protecting students, protecting Commonwealth employees without the proper training – I would ask for everyone’s concurrence on this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lycoming, Mr. Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 509. I concur with the gentleman from Washington County. We have 14 public-owned colleges and universities across our State. They are literally small communities with hundreds if not thousands of students and faculty and support staff. We all know that from time to time violent crime occurs within these academic communities, and it is ludicrous to think that we are going to ask highly trained and qualified men and women, who have been through their Act 120 and lethal weapons training in accordance with existing State law, to serve and protect and potentially defend and safeguard the life of a student or a coworker who is being threatened by an assailant with a firearm or a knife or some other weapon without having the equipment necessary to perform that job. It is mind-boggling to think that we would ask them to place themselves in that jeopardy.

I support this bill and would ask for a concurrence.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Centre, Mr. Herman.

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

I would like to interrogate the sponsor of the bill, please.

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

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

And I guess I had heard the gentleman from Delaware mention earlier that this may affect Penn State University. I was not really certain. As I read the bill, it appears that the State-relateds are not part of this legislation, and I wanted to get some clarification on that, if I may.

Mr. SOLOBAY. Thank you, Mr. Speaker.

You are correct. This is for the State-owned universities also, not a State affiliate. So Penn State would not be mandated to follow this legislation. It would just be the 14 State-owned universities.

Mr. HERMAN. Thank you.

Mr. Speaker, my second question is this, is that in current law today, is it that none of the State-owned universities can on their own allow for policemen or these security officials to carry armed weapons on the campus?

Mr. SOLOBAY. Thank you, Mr. Speaker.

What the present law allows for is the individual presidents to make the determination. So today they may be allowed to carry; tomorrow they may not; the next day, depending on the will of the president or the change of president, will change that. So this would just bring uniformity across the board.

Mr. HERMAN. May I speak on final passage of the bill, Mr. Speaker?

The SPEAKER. On final passage, the gentleman is in order.

Mr. HERMAN. I thank the gentleman for the explanation of the bill, and I guess if this did affect a university in my district, my first reaction is that I think it should be left up to the administration and to the universities as to whether they want to do that and that this State legislature should not try to mandate such.

And for that reason, Mr. Speaker, I am going to be voting against the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Will the maker of the bill stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentlelady is in order.

Ms. MANDERINO. Thank you.

Mr. Speaker, I am trying to understand how this bill would operate based on the knowledge I have about the municipal police firearms training. Now, I know that in order to carry, the officer must go to training and must keep that training current. If one of our State universities has a policy that they want their officers to be armed, then they may or may not also have a policy about whether they as a university will pay for them to go to the training or the officer has to pay for him or herself. So that is my understanding and the basis for my question.

But my question really is, if as a legislature we are saying by passing your bill that instead of the policy being the decision of the university, the legislature has now said that every police officer that goes and gets the training has an absolute right to carry the firearm on campus when on duty, does that mean that if on hypothetical campus A that has a police force of 20 campus police officers and they do not pay for their officers to go to that training and they do not have a policy that they want their officers to be armed, if 1 or 2 or 3 or more of the officers decide to go pay out of their own pocket for the training, then they have an absolute right that the legislature has given them to carry that gun and be armed on campus even if that is not the campus policy and that most of the campus officers are unarmed?

Mr. SOLOBAY. Thank you, Mr. Speaker.

The officers already are going through the municipal police training; they are going through the firearms training. It is just they are not allowed to carry them. So each year they go back to school after their initial training, and they are going through all the training right now. We are already requiring that they go through the training. The only thing we have not done is, by allowing the university presidents to make the decision, have given them the flexibility.

And I would just add the uniqueness of this thing is that many of the schools, of the couple schools that are not allowing them presently, the unique thing is they are offering and they are mandating that their officers wear bulletproof vests, not letting them carry a gun but they are making sure that they have bulletproof vests.

So it is just frustrating, and again, it is a uniformity thing. They are already going through the training that you talked about. It is already part of the job performance training that they have to do, that they go through this training. It is just they are not getting all the tools to do that job.

Ms. MANDERINO. Let me just ask one more clarifying question. So if I understand what you are saying, they all currently have a requirement not by their university but by a legislative act that they attend the police firearms training on a regular annual basis. Is that correct?

Mr. SOLOBAY. That is correct, Mr. Speaker.

Ms. MANDERINO. So then we cannot know what choice each individual officer would make, but at least theoretically if the legislature passes this bill and it becomes law, then it would not necessarily be a matter of some officers being eligible to carry and some not. They would all be eligible to carry that. It is just getting them back to the gentleman from Delaware's inquiry about who is making the decision about whether they could carry, the university president or the legislature.

So that is the simpleness of the determination. It is not more complicated in terms of whether they are getting the training, who is paying for the training, and some people carrying or not carrying.

Mr. SOLOBAY. Right. That is correct. They are already receiving all their training required. We are now just finishing off the— So there would be no additional cost because the training that they go through initially and the updates that they go through cover all those aspects of what this bill would add.

Ms. MANDERINO. Thank you. Thank you, Mr. Speaker.

I have finished my interrogation.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to underscore a couple of points, because I think there has been some debate here that people may be put in danger, but I think that is not really the issue here. Under current law without this bill, 12 of the 14 State-owned universities have made a decision they want their campus police to have guns; two, California University of Pennsylvania and Indiana University of Pennsylvania, they have made the decision they do not want their campus police to have guns. If those two universities wanted to, if they thought their situation warranted it, they could. I am not an expert on this issue, but I can just, giving it like 2 minutes' thought, speculate that there are a lot of reasons.

There is a downside to carrying guns – guns can be discharged accidentally; guns can be stolen; guns can be used hastily – and you may have campuses where the risk of crime is very low. So each situation, each college campus presents a different set of factors as far as the need for weapons, and there is a cost benefit on each campus.

Now, the question really is, who makes the decision whether that campus security carries guns or not, and that, in my view, is what this bill is about. Under current law, it is the college itself who decides whether they want those guns on their campus. In this case, 12 of 14 have decided yes; 2 of 14 have decided no. It is their decision based on their own unique circumstances. My feeling is, current law is the way it should be. HB 509 takes the decision away from the college and their own hands-on, unique knowledge of the circumstances. It is almost like a local control issue. Who knows better, the colleges themselves or those in government?

My feeling is that it is not a safety issue; it is a who-makes-the-choice issue, and I feel it is best made by the colleges themselves.

So I would urge a "no" vote. Thank you.

The SPEAKER. Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

Just on a second time on the comments of the gentleman, I would just still concur with my initial asking this floor, based on all the information from the hearings we had this summer, based on the information that has already been explained on this floor, that I would just ask for everyone's approval for passage of HB 509.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—149

Adolph	Fabrizio	Markosek	Samuelson
Allen	Fairchild	Marsico	Santoni
Armstrong	Feese	McCall	Scavello
Baker	Fichter	McGeehan	Schroder
Baldwin	Fleagle	McGill	Semmel
Barrar	Flick	McIlhattan	Shapiro
Bastian	Forcier	McNaughton	Siptroth
Bebko-Jones	Frankel	Metcalfe	Smith, B.
Belardi	Freeman	Micozzie	Smith, S. H.
Belfanti	Gannon	Millard	Solobay
Biancucci	George	Miller, R.	Staback
Birmelin	Gergely	Miller, S.	Stairs
Blackwell	Gillespie	Mustio	Stern
Boyd	Goodman	Myers	Stevenson, R.
Butkovitz	Grell	Nickol	Stevenson, T.
Buxton	Gruclera	O'Brien	Sturla
Caltagirone	Gruitza	Oliver	Surra
Cappelli	Haluska	O'Neill	Tangretti
Casorio	Harper	Pallone	Thomas
Causser	Harris	Payne	Tigue
Cawley	Hershey	Petrarca	True
Civera	Hickernell	Petri	Turzai
Cornell	Hutchinson	Petrone	Veon
Corrigan	James	Phillips	Walko
Costa	Kauffman	Pickett	Waters
Crahalla	Keller, M.	Pistella	Watson
Creighton	Keller, W.	Preston	Wheatley
Cruz	Killion	Pyle	Williams
Daley	Kirkland	Quigley	Wilt
Dally	Kotik	Ramaley	Wojnaroski
Denlinger	LaGrotta	Rapp	Yewcic
Dermody	Lederer	Raymond	Youngblood
DeWeese	Leh	Readshaw	Yudichak
Diven	Lescovitz	Reed	Zug
Donatucci	Maher	Rohrer	
Eachus	Maitland	Rubley	
Ellis	Major	Ruffing	Perzel,
Evans, J.	Mann	Sainato	Speaker

NAYS—43

Argall	Gingrich	Kenney	Roebuck
Benninghoff	Godshall	Leach	Rooney
Beyer	Good	Levdansky	Ross
Blaum	Habay	Mackereth	Sather
Clymer	Hanna	Manderino	Sonney
Cohen	Harhart	Melio	Steil
Curry	Hasay	Mundy	Stetler
DiGirolamo	Hennessey	Nailor	Vitali
Gabig	Herman	Parker	Wansacz
Geist	Hess	Reichley	Wright
Gerber	Josephs	Roberts	

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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 609, PN 682**, entitled:

An Act providing for a loan program to assist colleges to install automatic fire suppression systems in student residences; establishing the Sprinkler Loan Fund; providing for the powers and duties of the Department of Community and Economic Development; and prescribing a penalty.

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

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

The question is, shall the bill pass finally?

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

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to speak on behalf of the bill, please.

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

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to commend Chairman Semmel for the fine work he has done in expanding the sprinkler program to include off-campus housing.

As we all know, Pennsylvania had the shameful distinction of being the State in this nation with the highest number of fatalities due to fire on college campuses, and while we corrected the problem with on-campus student housing, those dormitories that are situated on the campus themselves, a gaping hole was left in that private residences and boarding homes and dormitories that are not part of the university system were left out. Representative Semmel has done a fine job in recognizing that there was a gaping hole in that kind of protection, and this bill was satisfied.

On a personal note, Mr. Speaker, I know that Chairman Bob Flick has announced that he will not be running again, and I want to commend him for his outstanding work on the sprinkler bill and shepherding the original bill through the committee system.

Mr. Speaker, if there is a legacy for many of us, I think any of us would be proud of the legacy that Chairman Flick is leaving, because literally tens of thousands of parents and students themselves can lay their head on a pillow tonight and

know that the tragedies that have happened on other college campuses will not ever happen again.

So my commendation to Chairman Flick and to Chairman Semmel for this fine bill.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Rohrer?

Mr. Solobay?

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2205 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

HB 2205, PN 3080.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2205 be recommitted to the Committee on Appropriations.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 804, PN 966**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for fleeing or attempting to elude police officer.

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

Mr. **SIPTROTH** offered the following amendment No. **A04488**:

Amend Title, page 1, line 2, by inserting after “for”
unattended children in motor vehicles and for

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

Section 1. Section 3701.1(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3701.1. Leaving an unattended child in a motor vehicle.

* * *

(b) Penalty.—A person who violates this section commits a summary offense. It is a separate offense for each child left unattended.

Section 2. Section 3733(a) of Title 75 is amended and the section is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 17, by striking out “2” and inserting
3

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

The SPEAKER. On that question, those in favor of the amendment will vote “aye”; those opposed—

The Chair recognizes the gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

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

Mr. MAITLAND. Thank you.

Mr. Speaker, do you have a fiscal note for your amendment?

Mr. SIPTROTH. I had previous fiscal notes from Representative Feese that would have minimal impact on the fiscal probability.

Mr. MAITLAND. Could you explain to me what a previous fiscal note is, Mr. Speaker?

Mr. SIPTROTH. The amendment was offered on a previous bill, and we had the fiscal impact resolution on that particular one. He indicated that there would be minimal impact on that particular amendment to that particular bill, same amendment that we are offering today.

Mr. MAITLAND. Thank you, Mr. Speaker.

That ends my interrogation.

May I make a parliamentary inquiry?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAITLAND. I will retract that, Mr. Speaker.

I will support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Siptroth, request recognition?

Mr. SIPTROTH. Mr. Speaker, if I would, I would appreciate support of this particular amendment.

All too often children are left unattended in their vehicles. This would simply propose that each and every one of the children that are left in the vehicle would in fact be a cumulative type of charge so that children under the age of 6 would in fact be represented of each charge.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

Adolph	Fichter	Maher	Ross
Allen	Fleagle	Maitland	Rubley
Argall	Flick	Major	Ruffing
Armstrong	Forcier	Manderino	Sainato
Baker	Frankel	Mann	Samuelson

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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. **SIPTROTH** offered the following amendment No. **A04503**:

Amend Title, page 1, line 2, by inserting after “providing”
for person with disability parking placard, for
severely disabled veteran placard and

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

Section 1. Sections 1338(b) and 1342(b) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1338. Person with disability plate and placard.

* * *

(b) Person with disability parking placard.—On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue [one] a special parking placard for each vehicle registered in the applicant's name of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of persons with disabilities. When parking the designated vehicle, the person with disability parking placard shall be prominently displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of persons with disabilities provided that a person with a disability is being transported in the vehicle. Organizations that transport persons with disabilities shall upon application be issued not more than eight placards in the organization's name. These placards may be used in a vehicle of the organization or the personal vehicle of an employee or volunteer of the organization when the employee or volunteer operates the vehicle for the benefit and use of persons with disabilities provided that a person with a disability is being transported in the vehicle.

* * *

§ 1342. Veteran plates and placard.

* * *

(b) Severely disabled veteran placard.—On the application of any person who meets the qualifications of subsection (a), the department shall issue [one] a special parking placard for each vehicle registered in the applicant's name of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. When parking the designated vehicle, the severely disabled veteran parking placard shall be prominently displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be prominently displayed on the dashboard of the vehicle when it is in use for the transportation of such severely disabled veteran. Placards may also be issued for use in vehicles when operated for the use and benefit of severely disabled veterans provided that a severely disabled veteran is being transported in the vehicle.

* * *

Section 2. Section 3733(a) of Title 75 is amended and the section is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 17, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. **MAITLAND**. Thank you, Mr. Speaker.

I rise in opposition to this amendment. The point of a handicapped placard is that it is mobile and that it can be carried from car to car, and the Department of Transportation does not

want the administrative burden that this amendment would impose upon them.

So I ask the members to vote “no” on amendment 4503.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Siptroth.

Mr. SIPTROT. Thank you, Mr. Speaker.

All too often, again, individuals that are handicapped use or have more than one vehicle registered in their name. It is certainly an inconvenience to ask those handicapped individuals, simply by forgetting to remove a handicapped placard and placing it in another vehicle, to try to get back to that vehicle and remove that placard and put it in the vehicle that they are currently operating.

I would ask you to support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Bebko-Jones	Fabrizio	Manderino	Santoni
Belardi	Frankel	Mann	Semmel
Belfanti	Freeman	Markosek	Shapiro
Beyer	Gerber	Marsico	Siptroth
Biancucci	Gergely	McGeehan	Smith, B.
Blackwell	Goodman	Mundy	Solobay
Blaum	Grucela	Mustio	Staback
Butkovitz	Gruitza	Myers	Stetler
Buxton	Habay	Oliver	Sturla
Caltagirone	Haluska	Pallone	Surra
Casorio	Hanna	Parker	Tangretti
Cawley	James	Petrarca	Veon
Cohen	Josephs	Petrone	Vitali
Corrigan	Keller, W.	Pistella	Walko
Costa	Kirkland	Preston	Wansacz
Cruz	Kotik	Ramaley	Waters
Curry	LaGrotta	Readshaw	Wheatley
Daley	Lederer	Roberts	Williams
Dermody	Leh	Roebuck	Wojnaroski
DeWeese	Lescovitz	Rooney	Yewcic
Donatucci	Levdansky	Ruffing	Youngblood
Eachus	Maher	Sainato	

NAYS—104

Adolph	Fleagle	Maitland	Rohrer
Allen	Flick	Major	Ross
Argall	Forcier	McCall	Rubley
Armstrong	Gabig	McGill	Samuelson
Baker	Gannon	McIlhatten	Sather
Baldwin	Geist	McNaughton	Scavello
Barrar	George	Melio	Schroder
Bastian	Gillespie	Metcalfe	Smith, S. H.
Benninghoff	Gingrich	Micozzie	Sonney
Birmelin	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Cappelli	Grell	Miller, S.	Stern
Causar	Harhart	Nailor	Stevenson, R.
Civera	Harper	Nickol	Stevenson, T.
Clymer	Harris	O'Brien	Thomas
Cornell	Hasay	O'Neill	Tigue
Crahalla	Hennessey	Payne	True
Creighton	Herman	Petri	Turzai
Dally	Hershey	Phillips	Watson
Denlinger	Hess	Pickett	Wilt
DiGirolamo	Hickernell	Pyle	Wright

Diven	Hutchinson	Quigley	Yudichak
Ellis	Kauffman	Rapp	Zug
Evans, J.	Keller, M.	Raymond	
Fairchild	Kenney	Reed	
Feese	Killion	Reichley	Perzel,
Fichter	Mackereth		Speaker

NOT VOTING—1

Leach

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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

On the question recurring,

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

Mr. **SIPTROT** offered the following amendment No. **A04504**:

Amend Title, page 1, line 2, by inserting after “providing”
for issuance and content of driver’s license
concerning anatomical donors and

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

Section 1. Section 1510(c) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1510. Issuance and content of driver’s license.

* * *

(c) Anatomical donors.—Any person who is registered as an anatomical organ donor and who has in his possession a card issued by the recipient organization may attach the card to the reverse side of his driver’s license or identification card in such a way as to permit the removal of this card should the person no longer desire to be designated as an anatomical donor. Any person may also attach to the reverse side of his driver’s license or identification card a symbol provided by the Department of Health designating a person to be an anatomical donor or a person with an operative declaration of an advanced directive for health care as provided in 20 Pa.C.S. Ch. 54 (relating to advance directive for health care). The department shall distribute such symbols at all photo license centers and shall make such symbols available in quantity to any political subdivision or organization on request. Information concerning registered donor status may be included as a part of the person’s personal medical data.

* * *

Section 2. Section 3733(a) of Title 75 is amended and the section is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 17, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. MAITLAND. Thank you, Mr. Speaker.

I also rise in opposition to this amendment. If the last amendment was an administrative burden to PENNDOT, this would be an administrative nightmare.

Furthermore, at the scene of an accident, I do not think any EMS (emergency medical services) provider is going to rifle through a victim's pockets to check their driver's license to see if they have a do-not-resuscitate order on it.

This is just so complicated that it deserves its own bill and its own thorough discussion and should not be an amendment on this bill today.

So I ask the members for a negative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

This bill simply would do nothing more than alert the individuals at hospital trauma centers and EMS people that would provide the necessary notification of next of individuals who are injured severely, where they may be traumatized and unable to make the decision or even speak to the fact that they do have a living will in place. That is the only purpose for this.

Presently at this time it would only be a sticker that would be placed on the driver's license. Hopefully in the future when PENNDOT would change the registration applications, it could be part of the permanent portion of the driver's license, similar to organ donators that have that symbol on their driver's license today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

Advance directives are very complicated. They are not simply yes or no on "do not resuscitate." They can be very involved and very complicated. So just having somebody put on notice that an advance directive exists does not put them on notice of what is in it.

So as I said, this is too complicated. It merits its own discussion. So I ask the members for a negative vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—91

Bebko-Jones	Fairchild	Marsico	Shapiro
Belardi	Frankel	McCall	Siptroth
Belfanti	Freeman	McGeehan	Solobay
Beyer	George	Melio	Staback
Biancucci	Gergely	Mundy	Stetler
Blackwell	Goodman	Myers	Sturla
Blaum	Gruclera	Oliver	Surra
Butkovitz	Gruitza	Pallone	Tangretti
Buxton	Haluska	Parker	Thomas
Caltagirone	Hanna	Petrarca	Tigue
Casorio	James	Petrone	Veon
Cawley	Josephs	Pistella	Vitali
Cohen	Keller, W.	Preston	Walko
Corrigan	Kirkland	Ramaley	Wansacz
Costa	Kotik	Readshaw	Waters
Cruz	LaGrotta	Roberts	Wheatley

Curry	Leach	Roebuck	Williams
Daley	Lederer	Rooney	Wojnarowski
Dermody	Lescovitz	Ruffing	Wright
DeWeese	Levdansky	Sainato	Yewcic
Donatucci	Manderino	Samuelson	Youngblood
Eachus	Mann	Santoni	Yudichak
Fabrizio	Markosek	Scavello	

NAYS—101

Adolph	Fleagle	Killion	Raymond
Allen	Flick	Leh	Reed
Argall	Forcier	Mackereth	Reichley
Armstrong	Gabig	Maher	Rohrer
Baker	Gannon	Maitland	Ross
Baldwin	Geist	Major	Rublely
Barrar	Gerber	McGill	Sather
Bastian	Gillespie	McIlhatten	Schroder
Benninghoff	Gingrich	McNaughton	Semmel
Birmelin	Godshall	Metcalfe	Smith, B.
Boyd	Good	Micozzie	Smith, S. H.
Cappelli	Grell	Millard	Sonney
Causer	Habay	Miller, R.	Stairs
Civera	Harhart	Miller, S.	Steil
Clymer	Harper	Mustio	Stern
Cornell	Harris	Nailor	Stevenson, R.
Crahalla	Hasay	Nickol	Stevenson, T.
Creighton	Hennessey	O'Brien	True
Dally	Herman	O'Neill	Turzai
Denlinger	Hershey	Payne	Watson
DiGirolamo	Hess	Petri	Wilt
Diven	Hickernell	Phillips	Zug
Ellis	Hutchinson	Pickett	
Evans, J.	Kauffman	Pyle	
Feese	Keller, M.	Quigley	Perzel,
Fichter	Kenney	Rapp	Speaker

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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?

RULES SUSPENDED

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

Mr. SURRA. Mr. Speaker, I move to suspend the rules of the House for immediate consideration of amendment A4538.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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

On the question recurring,

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

Mr. SURRA offered the following amendment No. A04538:

Amend Title, page 1, line 3, by removing the period after “officer” and inserting

and for reports by police.

Amend Bill, page 2, by inserting between lines 16 and 17

Section 2. Section 3751 of Title 75 is amended to read:
§ 3751. Reports by police.

(a) General rule.—Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter and prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses shall, within 15 days of the accident, forward an initial written report of the accident to the department. If the initial report is not complete, a supplemental report shall be submitted at a later date.

(b) Furnishing copies of report.—

(1) Police departments shall, [upon] within 60 days of a request, furnish a certified copy of the full report, including photographs, if any, of the police investigation of any vehicle accident to any person involved in the accident, his attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions.

(2) Except as provided in paragraph (3), the cost of furnishing a copy of a report under this subsection shall not exceed \$15.

(3) In a city of the first class, the cost of furnishing a copy of a report under this subsection shall not exceed \$25.

(4) The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

(5) Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

Amend Sec. 2, page 2, line 17, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. SURRA. Thank you, Mr. Speaker.

Briefly, the reason for this amendment arises from a situation where one of my constituents, his wife was killed in a tragic auto accident, and it took him a very, very long time to get a copy of the accident report, and after that he could not even get the photos of the accident.

All this amendment would do is it would require within 60 days of a request, that they furnish a certified copy of the full report, including photographs, if any, and I would ask the support of the members.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

First of all, the police do not need this administrative burden, and secondly, there are a lot of privacy issues that could be at stake in here.

We are very concerned about identity theft and keeping people's personal information private, and I just see this

amendment as creating potential problems with privacy issues, that this needs to be discussed on its own merits as well.

So I ask for a negative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Surra.

Mr. SURRA. Mr. Speaker, this is a family member. They are entitled to this information, Mr. Speaker. This is simply to allow access to a family member of a police report within 60 days. I do not think that is too much to ask. It is not a problem for the insurance companies to demand this information. I certainly would hope that in the event of an accident with a family member, that they would have access to the accident report. That is all I am asking for, and I appreciate an affirmative vote.

They are now entitled to it. Under current law, they are entitled to this information. This says, within 60 days of a request, they can have this report, including any photographs.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Maitland.

Mr. MAITLAND. Mr. Speaker, it is my understanding the statutory language is not limited to a family member and that it is open to anybody that wants to make a request for these photographs – insurance companies, the general public, anybody. So that is the privacy issue concern that I have, and that is why this amendment should be defeated.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, although I agree that the gentleman's intentions are meritorious and well-intentioned in behalf of the family and his constituents, I have to oppose this legislation for one important reason. Last session I was the author of legislation that would extend to 180 days and beyond, up to a year, actually, for the State Police to render an investigative report regarding motor vehicle accidents involving death and other types of heinous accidents, and unfortunately, it can take 6 months to 12 months just to reconstruct the accident and determine who is culpable, who is at fault, and then to conclude the investigation and to render a final report. So because it can take up to nearly a year sometimes in vehicular homicide cases and other kinds of cases, 60 days is really unreasonable to take a cookie-cutter approach for all the police departments and all accidents.

So I must oppose this legislation, although I do believe his intentions are meritorious.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, if you will allow, I really do not understand what the big charade is about this. The law insists on a report where a report is necessary, and every accident a report is not necessary. It is only if there is an injury or if the value or the cost of the repair is above a certain amount.

I do not see anything wrong with insisting that where there is something that happened, regardless whether you are a family member or not, if the public is involved, if a policeman is involved, if a municipality is involved, those people, when they pay for this information, are entitled to it, and I do not think we should make a big thing out of it. I think the law enforcement agencies know all about this, and I think we should, in this case, allow it to be provided within 60 days.

The SPEAKER. Mr. Benninghoff. The Chair recognizes the gentleman.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

As someone who had the gruesome duty of going to a lot of these different accident scenes, I think to put an arbitrary number of 60 days, while it may be well intended by the member, could seriously hinder investigations. We are so accustomed to watching these things occur on television and being done in 60 minutes, but in real life it does not happen that way.

More importantly, permitting a report to be put out prematurely, one, can hinder a case of an investigation; it can provide information that sometimes is withheld as a technical way of trying to have people maybe brag about a case they are involved with. It is very dangerous for us to take away the tools of the county coroner's office and our police, whether State or municipal, who have to investigate these deaths.

More importantly, this would also subject these families to having this stuff available to our media, and unfortunately, many times having photographs, as well as proposed in the gentleman's amendment, publicized. With the new technology of the Internet, I think this would be a sad day in this State legislature to open our public who entrust those people who investigate these cases, the EMS personnel, to protect the privacy.

I think this is a very slippery slope we are going down. We need to be very, very careful. For the sake of the families that I had to deal with, I would ask you to keep them in mind, because there is nothing worse than losing a loved one or having one in an injury than to see that photograph in the newspaper or on the news or on the Internet. This is a dangerous thing to do regarding our law enforcement who need to have their own time frame. Many of these cases can take years to investigate in order to collect all the evidence.

So I would ask the members to adamantly oppose this, and I appreciate the intent of the member, but I think that it is ill-conceived.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Bebko-Jones	Freeman	McCall	Shapiro
Belardi	George	McGeehan	Siptroth
Belfanti	Gerber	Melio	Solobay
Biancucci	Gergely	Mundy	Staback
Blackwell	Goodman	Myers	Steil
Blaum	Grucela	Oliver	Stetler
Butkovitz	Gruitza	O'Neill	Sturla
Buxton	Haluska	Pallone	Surra
Caltagirone	Hanna	Parker	Tangretti
Casorio	James	Petrarca	Thomas
Cawley	Josephs	Petrone	Tigue
Cohen	Keller, W.	Pistella	Veon
Corrigan	Kirkland	Preston	Vitali
Costa	Kotik	Ramaley	Walko
Cruz	LaGrotta	Readshaw	Wansacz
Curry	Leach	Roberts	Waters
Daley	Lederer	Roebuck	Wheatley
Dermody	Lescovitz	Rooney	Williams
DeWeese	Levdansky	Ruffing	Wojnarowski
Donatucci	Manderino	Sainato	Yewcic

Eachus	Mann	Samuelson	Youngblood
Fabrizio	Markosek	Santoni	Yudichak
Frankel			

NAYS—103

Adolph	Fichter	Killion	Raymond
Allen	Fleagle	Leh	Reed
Argall	Flick	Mackereth	Reichley
Armstrong	Forcier	Maher	Rohrer
Baker	Gabig	Maitland	Ross
Baldwin	Gannon	Major	Rubley
Barrar	Geist	Marsico	Sather
Bastian	Gillespie	McGill	Scavello
Benninghoff	Gingrich	McIlhatten	Schroder
Beyer	Godshall	McNaughton	Semmel
Birmelin	Good	Metcalfe	Smith, B.
Boyd	Grell	Micozzie	Smith, S. H.
Cappelli	Habay	Millard	Sonney
Causar	Harhart	Miller, R.	Stairs
Civera	Harper	Miller, S.	Stern
Clymer	Harris	Mustio	Stevenson, R.
Cornell	Hasay	Nailor	Stevenson, T.
Crahalla	Hennessey	Nickol	True
Creighton	Herman	O'Brien	Turzai
Dally	Hershey	Payne	Watson
Denlinger	Hess	Petri	Wilt
DiGirolamo	Hickernell	Phillips	Wright
Diven	Hutchinson	Pickett	Zug
Ellis	Kauffman	Pyle	
Evans, J.	Keller, M.	Quigley	Perzel,
Fairchild	Kenney	Rapp	Speaker
Feese			

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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?

RULES SUSPENDED

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

Mr. SURRA. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of amendment A4535.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Adolph	Fichter	Maher	Ross
Allen	Fleagle	Maitland	Rubley
Argall	Flick	Major	Ruffing

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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

On the question recurring,

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

Mr. SURRA offered the following amendment No. **A04535**:

Amend Title, page 1, line 3, by removing the period after "officer" and inserting
and for restrictions on highway and bridge use.

Amend Bill, page 2, by inserting between lines 16 and 17
Section 2. Section 4902(g)(2) of Title 75 is amended to read:

§ 4902. Restrictions on use of highways and bridges.

* * *

(g) Penalty.—
* * *

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [not less than \$25 and] not more than \$100] \$500.

Amend Sec. 2, page 2, line 17, by striking out “2” and inserting
3

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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—192

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

Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, J.	Leh	Roebuck	
Fabrizio	Lescovitz	Rohrer	
Fairchild	Levdansky	Rooney	Perzel,
Feese	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 157, PN 1048**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; repealing provisions relating to continuation of occupational privilege taxes; and making editorial changes.

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

Mr. **LEH** offered the following amendment No. **A03287**:

Amend Title, page 1, lines 1 through 26, by striking out all of said lines and inserting

Amending the act of December 31, 1965 (P.L.1257, No.511), entitled “An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employees to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,” further providing for delegation of taxing powers and restrictions thereon; providing for local services taxes; repealing provisions relating to

emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

Amend Bill, page 16, lines 14 through 30; pages 17 through 37, lines 1 through 30; page 38, lines 1 through 5, by striking out all of said lines on said pages and inserting

Section 1. Section 2 of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, amended December 1, 2004 (P.L.1729, No.222), is amended to read:

Section 2. Delegation of Taxing Powers and Restrictions Thereon.—The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts, may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions, occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this act. Each local taxing authority may, by ordinance or resolution, exempt any person whose total income from all sources is less than twelve thousand dollars (\$12,000) per annum from the per capita or similar head tax, occupation tax [and emergency and municipal services tax], or earned income tax, or any portion thereof, and may adopt regulations for the processing of claims for exemptions. Each political subdivision shall by ordinance or resolution exempt any person from the local services tax whose total income from all sources is less than twelve thousand dollars (\$12,000) for the calendar year in which the local services tax is levied, and shall adopt regulations for the processing of refund claims for a local services tax paid by any person who is eligible for the exemption. The regulations shall be consistent with 53 Pa.C.S. §§ 8425 (relating to refunds of overpayments) and 8426 (relating to interest on overpayment). The date of overpayment for a local services tax shall be the date the tax was deducted and withheld at source. Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under section 9 of this act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. § 8426. It is the intent of this section that a political subdivision or its tax officer determine eligibility for the exemption and provide refunds to exempt persons from the local services tax and that employers shall not be responsible for processing the exemption or exempting any employee from the local services tax. For purposes of this section, “income from all sources” shall mean “income” as defined in section 3 of the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act. The Department of Community and Economic Development shall develop uniform forms to be used by political subdivisions to facilitate the refund of the tax to any person eligible for the exemption. Such local authorities shall not have authority by virtue of this act:

(1) To levy, assess and collect or provide for the levying, assessment and collection of any tax on the transfer of real property when the transfer is by will or mortgage or the intestate laws of this Commonwealth or on a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied single family residential premises or on a transfer between corporations operating housing projects pursuant to the housing and redevelopment assistance law and the shareholders thereof, or on a transfer between nonprofit industrial development

agencies and industrial corporations purchasing from them, or on transfer to or from nonprofit industrial development agencies, or on a transfer between husband and wife, or on a transfer between persons who were previously husband and wife but who have since been divorced; provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein, subject to such transfer, was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce, or on a transfer between parent and child or the spouse of such a child, or between parent and trustee for the benefit of a child or the spouse of such child, or on a transfer between a grandparent and grandchild or the spouse of such grandchild, or on a transfer between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister, or on a transfer to a conservancy which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or on a correctional deed without consideration, or on a transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation, leases, or on a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer within a family from a sole proprietor family member to a family farm corporation, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale, or on a privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to a State tax or license fee;

(2) To levy, assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service;

(3) Except on sales of admission to places of amusement or on sales or other transfers of title or possession of property, to levy, assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax; and for the purposes of this clause, real property rented for camping purposes shall not be considered a place of amusement.

(4) To levy, assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture, or on minerals, timber, natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market, or on any privilege, act or transaction related to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources, or farm products, by manufacturers, by producers and by farmers with respect to the goods, articles and products of their own manufacture, production or growth, or on any privilege, act or transaction relating to the business of processing by-products of manufacture, or on the transportation, loading, unloading or dumping or storage of such goods, articles, products or by-products; except that local authorities may levy, assess and collect [an emergency and municipal] a local services tax and taxes on the occupation, per capita and earned income or net profits of natural persons engaged in the above activities whether

doing business as individual proprietorship or as members of partnerships or other associations;

(5) To levy, assess or collect a tax on salaries, wages, commissions, compensation and earned income of nonresidents of the political subdivisions: Provided, That this limitation (5) shall apply only to school districts of the second, third and fourth classes;

(6) To levy, assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons, associations and corporations specifically exempted by law from taxation under the county personal property tax law: Provided, That this limitation (6) shall not apply to cities of the second class;

(7) To levy, assess or collect a tax on membership in or membership dues, fees or assessment of charitable, religious, beneficial or nonprofit organizations including but not limited to sportsmens, recreational, golf and tennis clubs, girl and boy scout troops and councils;

(8) To levy, assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied, assessed and collected on other real property in the political subdivision.

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation ([emergency and municipal] local services tax) except that such a tax may be levied, assessed and collected only by the political subdivision of the taxpayer's place of employment.

[Payment of any emergency and municipal services tax to any political subdivision by any person pursuant to an ordinance or resolution passed or adopted under the authority of this act shall be no less than ten dollars (\$10) nor more than fifty-two dollars (\$52) on each person for each calendar year.

The situs of such tax shall be the place of employment, but, in the event a person is engaged in more than one occupation, or an occupation which requires his working in more than one political subdivision during the calendar year, the priority of claim to collect such emergency and municipal services tax shall be in the following order: first, the political subdivision in which a person maintains his principal office or is principally employed; second, the political subdivision in which the person resides and works, if such a tax is levied by that political subdivision; third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home. The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year.

It is the intent of this provision that no person shall pay more than fifty-two dollars (\$52) in any calendar year as an emergency and municipal services tax irrespective of the number of political subdivisions within which such person may be employed within any given calendar year.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment which constitutes prima facie certification of payment to all other political subdivisions.] The following apply:

(i) For any payroll period in a calendar year, a political subdivision levying a local services tax pursuant to an ordinance or a resolution under the authority of this act shall collect no more than the pro rata share of the tax levied on a person for a calendar year determined by dividing the tax levied on a person for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, employers shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. The local services tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

(ii) If a school district levied and collected an emergency and municipal services tax on the effective date of this subclause, the school district may continue to levy a local services tax in the same amount the school district collected on the effective date of this

subclause, subject to the pro rata limitation based on payroll periods of subclause (i). However, if a municipality located in whole or in part within the school district subsequently levies the local services tax, the school district may only collect five dollars (\$5) on taxpayers employed within the municipality each calendar year, subject to the limitations of this clause. A school district that did not levy or collect a local services tax on the effective date of this subclause shall be prohibited from levying a local services tax. If a school district and a municipality located in whole or in part within the school district both levy a local services tax, the school district's pro rata share of the aggregate local services taxes levied on taxpayers employed within the municipality shall be collected by the municipality or its tax officer based on pay periods, and paid to the school district on a quarterly basis within sixty days of receipt by the municipality or its tax officer. If a municipality located in whole or in part within a school district does not levy and collect the local services tax, the school district may provide for collection of the local services tax as provided in section 10 of this act.

(iii) No taxpayer shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period as established by subclause (iv).

(iv) The situs of the tax shall be the place of employment on the first day the taxpayer becomes subject to the tax during each payroll period in a calendar year, but, in the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the taxpayer working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order: first, the political subdivision in which a person maintains the person's principal office or is principally employed; second, the political subdivision in which the person resides and works, if the tax is levied by that political subdivision; and third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(v) In the case of concurrent employment, an employer shall refrain from withholding the local services tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the pay period and the amount of the local services tax withheld, which is accompanied by a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The Department of Community and Economic Development shall develop a uniform employee statement form.

(vi) Political subdivisions shall adopt regulations for the processing of refund claims for overpaid local services taxes for any calendar year. The regulations shall be consistent with 53 Pa.C.S. §§ 8425 and 8426. The date of overpayment for a local services tax shall be the date the tax was deducted and withheld at source. Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under section 9 of this act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. § 8426. Political subdivisions shall only provide refunds for amounts overpaid in a calendar year that exceed one dollar (\$1).

(vii) The Department of Community and Economic Development may provide suggested forms and technical assistance to facilitate the administration of the local services tax for political subdivisions and reduce the burden of implementation, accounting and compliance for employers and taxpayers.

(10) To levy, assess or collect a tax on admissions to motion picture theatres: Provided, That this limitation (10) shall not apply to cities of the second class.

(11) To levy, assess or collect a tax on the construction of or improvement to residential dwellings or upon the application for or issuance of permits for the construction of or improvements to residential dwellings.

(12) To levy, assess and collect a mercantile or business privilege tax on gross receipts or part thereof which are: (i) discounts allowed to purchasers as cash discounts for prompt payment of their bills; (ii) charges advanced by a seller for freight, delivery or other transportation for the purchaser in accordance with the terms of a contract of sale; (iii) received upon the sale of an article of personal property which was acquired by the seller as a trade-in to the extent that the gross receipts in the sale of the article taken in trade does not exceed the amount of trade-in allowance made in acquiring such article; (iv) refunds, credits or allowances given to a purchaser on account of defects in goods sold or merchandise returned; (v) Pennsylvania sales tax; (vi) based on the value of exchanges or transfers between one seller and another seller who transfers property with the understanding that property of an identical description will be returned at a subsequent date; however, when sellers engaged in similar lines of business exchange property and one of them makes payment to the other in addition to the property exchanged, the additional payment received may be included in the gross receipts of the seller receiving such additional cash payments; (vii) of sellers from sales to other sellers in the same line where the seller transfers the title or possession at the same price for which the seller acquired the merchandise; or (viii) transfers between one department, branch or division of a corporation or other business entity of goods, wares and merchandise to another department, branch or division of the same corporation or business entity and which are recorded on the books to reflect such interdepartmental transactions.

(13) To levy, assess or collect an amusement or admissions tax on membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or selected number thereof, for such persons to enter into any place, indoors or outdoors, to engage in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control.

(14) Except by cities of the second class, to levy, assess or collect a tax on payroll amounts generated as a result of business activity.

(15) Except by cities of the second class in which a sports stadium or arena that has received public funds in connection with its construction or maintenance is located, to levy, assess and collect a publicly funded facility usage fee upon those nonresident individuals who use such facility to engage in an athletic event or otherwise render a performance for which they receive remuneration.

(16) To levy, assess or collect an amusement or admissions tax on the charge imposed upon a patron for the sale of admission to or for the privilege of admission to a bowling alley or bowling lane to engage in one or more games of bowling.

Section 2. Section 7 of the act, amended August 11, 1967 (P.L.228, No.83) and October 9, 1967 (P.L.361, No.160), is amended to read:

Section 7. Filing of Certified Copies of Ordinances and Resolutions.—When an ordinance or a resolution is first passed or adopted by a political subdivision imposing a tax or license fee under the authority of this act, an exact printed or typewritten copy thereof, certified to by the secretary of the taxing body, shall be filed with the [Department of Community Affairs] Department of Community and Economic Development within fifteen days after the same becomes effective.

Any secretary or person acting as the clerk or secretary of the taxing body of any political subdivision during the meeting at which an ordinance or resolution imposing a tax or license fee is passed or adopted as herein provided who shall fail to file the certified copy or statement relative thereto with the [Department of Community Affairs] Department of Community and Economic Development as herein required, shall, upon summary conviction thereof in the county in which the political subdivision is located, be sentenced to pay a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25), and the costs of prosecution.

Section 3. Section 8 of the act, amended December 1, 2004 (P.L.1729, No.222), is amended to read:

Section 8. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

(1) Per capita, poll or other similar head taxes, ten dollars (\$10).

(2) On each dollar of the whole volume of business transacted by wholesale dealers in goods, wares and merchandise, one mill, by retail dealers in goods, wares and merchandise and by proprietors of restaurants or other places where food, drink and refreshments are served, one and one-half mills; except in cities of the second class, where rates shall not exceed one mill on wholesale dealers and two mills on retail dealers and proprietors. No such tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise, taken by any dealer as a trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance.

(3) On wages, salaries, commissions and other earned income of individuals, one percent.

(4) On retail sales involving the transfer of title or possession of tangible personal property, two percent.

(5) On the transfer of real property, one percent.

(6) On admissions to places of amusement, athletic events and the like, and on motion picture theatres in cities of the second class, ten percent.

(7) Flat rate occupation taxes not using a millage or percentage as a basis, ten dollars (\$10).

(8) [Emergency and municipal] Local services taxes, fifty-two dollars (\$52).

(9) On admissions to ski facilities, ten percent. The tax base upon which the tax shall be levied shall not exceed forty percent of the cost of the lift ticket. The lift ticket shall include all costs of admissions to the ski facility.

(10) On admissions to golf courses, ten percent. The tax base upon which the tax shall be levied shall not exceed forty percent of the greens fee. The greens fee shall include all costs of admissions to the golf course.

(12) On payrolls, fifty-five hundredths percent.

Except as otherwise provided in this act, at any time two political subdivisions shall impose any one of the above taxes on the same person, subject, business, transaction or privilege, located within both such political subdivisions, during the same year or part of the same year, under the authority of this act then the tax levied by a political subdivision under the authority of this act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate, as above limited, and such one-half rate shall become effective by virtue of the requirements of this act from the day such duplication becomes effective without any action on the part of the political subdivision imposing the tax under the authority of this act. When any one of the above taxes has been levied under the provisions of this act by one political subdivision and a subsequent levy is made either for the first time or is revived after a lapse of time by another political subdivision on the same person, subject, business, transaction or privilege at a rate that would make the combined levies exceed the limit allowed by this subdivision, the tax of the second political subdivision shall not become effective until the end of the fiscal year for which the prior tax was levied, unless:

(1) Notice indicating its intention to make such levy is given to the first taxing body by the second taxing body as follows: (i) when the notice is given to a school district it shall be given at least forty-five days prior to the last day fixed by law for the levy of its school taxes; (ii) when given to any other political subdivision it shall be prior to the first day of January immediately preceding, or if a last day for the adoption of the budget is fixed by law, at least forty-five days prior to such last day; or

(2) Unless the first taxing body shall indicate by appropriate resolution its desire to waive notice requirements in which case the levy of the second taxing body shall become effective on such date as may be agreed upon by the two taxing bodies.

It is the intent and purpose of this provision to limit rates of taxes referred to in this section so that the entire burden of one tax on a person, subject, business, transaction or privilege shall not exceed the limitations prescribed in this section: Provided, however, That any two political subdivisions which impose any one of the above taxes, on the same person, subject, business, transaction or privilege during the same year or part of the same year may agree among themselves that, instead of limiting their respective rates to one-half of the maximum rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate as above permitted.

Notwithstanding the provisions of this section, any city of the second class A may enact a tax upon wages, salaries, commissions and other earned income of individuals resident therein, not exceeding one percent, even though a school district levies a similar tax on the same person provided that the aggregate of both taxes does not exceed two percent. [In the case of duplication of emergency and municipal services taxes by both a school district, other than a school district of the first class A, and another taxing body, the school district's share of the tax shall not exceed the amount of a tax on the privilege of engaging in an occupation collected by the school district as of the effective date of this paragraph. In the case where a school district did not levy a tax on the privilege of engaging in an occupation on the effective date of this paragraph, the school district may impose a future levy not to exceed five dollars (\$5). A school district of the first class A shall not levy, assess or collect an emergency and municipal services tax.]

Section 4. Section 9 of the act, amended December 12, 1968 (P.L.1203, No.377), is amended to read:

Section 9. Register for Earned Income and [Occupational Privilege] Local Services Taxes.—It shall be the duty of the [Department of Community Affairs] Department of Community and Economic Development to have available an official continuing register supplemented annually of all earned income and [occupational privilege] local services taxes levied under authority of this act. The register and its supplements, hereinafter referred to as the register, shall list such jurisdictions levying earned income [and/or occupational privilege] and local services taxes, the rate of the tax as stated in the tax levying ordinance or resolution, and the effective rate on resident and nonresident taxpayers, if different from the stated rate because of a coterminous levy, the name and address of the officer responsible for administering the collection of the tax and from whom information, forms for reporting and copies of rules and regulations are available. With each jurisdiction listed, all jurisdictions making coterminous levies shall also be noted and their tax rates shown.

Information for the register shall be furnished by the secretary of each taxing body to the [Department of Community Affairs] Department of Community and Economic Development in such manner and on such forms as the [Department of Community Affairs] Department of Community and Economic Development may prescribe. The information must be received by the [Department of Community Affairs] Department of Community and Economic Development by certified mail not later than May 31 of each year to show new tax enactments, repeals and changes. Failure to comply with this date for filing may result in the omission of the levy from the register for that year. Failure of the [Department of Community Affairs] Department of Community and Economic Development to receive information of taxes continued without change may be construed by the department to mean that the information contained in the previous register remains in force.

The [Department of Community Affairs] Department of Community and Economic Development shall have the register with such annual supplements as may be required by new tax enactments, repeals or changes available upon request not later than July 1 of each

year. The effective period for each register shall be from July 1 of the year in which it is issued to June 30 of the following year.

Employers shall not be required by any local ordinance to withhold from the wages, salaries, commissions or other compensation of their employees any tax imposed under the provisions of this act, which is not listed in the register, or make reports of wages, salaries, commissions or other compensation in connection with taxes not so listed: Provided, That if the register is not available by July 1, the register of the previous year shall continue temporarily in effect for an additional period not to exceed one year. The provisions of this section shall not affect the liability of any taxpayer for taxes lawfully imposed under this act.

Ordinances or resolutions imposing earned income or [occupational privilege] local services taxes under authority of this act may contain provisions requiring employers doing business within the jurisdiction of the political subdivision imposing the tax to withhold the tax from the compensation of those of their employees who are subject to the tax: Provided, That no employer shall be held liable for failure to withhold earned income taxes or for the payment of such withheld tax money to a political subdivision other than the political subdivision entitled to receive such money if such failure to withhold or such incorrect transmittal of withheld taxes arises from incorrect information as to the employee's place of residence submitted by the employee: And provided further, That [employers shall not be required by any local ordinance to withhold from compensation for any one of their employees for the occupational privilege tax more than one time in any fiscal period:] no employer shall be held liable for failure to withhold the local services tax or for the payment of the withheld tax money to a political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed: And provided further, That an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of section 2(9) of this act and remits the amount so withheld in accordance with this section: And provided further, That the Department of Community and Economic Development may provide suggested forms and technical assistance to facilitate the administration of the local services tax for political subdivisions and reduce the burden of implementation, accounting and compliance for employers and taxpayers: And provided further, That the [occupational privilege] local services tax shall be applicable to employment in the period beginning January 1, of the current year and ending December 31 of the current year, except that taxes imposed for the first time shall become effective from the date specified in the ordinance or resolution, and the tax shall continue in force on a calendar year basis[.]: And provided further, That employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

Section 5. Section 19 of the act, amended October 4, 1978 (P.L.930, No.177), is amended to read:

Section 19. Collection of Delinquent Per Capita, Occupation, Occupational Privilege, Emergency and Municipal Services, Local Services and Earned Income Taxes from Employers, etc.—The tax collector shall demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or individuals, employing persons owing delinquent per capita, or occupation, occupational privilege, emergency and municipal services, local services and earned income taxes, or whose spouse owes delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and earned income taxes, or having in possession unpaid commissions or earnings belonging to any person or persons owing delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and earned income taxes, or whose spouse owes delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and earned income taxes, upon the presentation of a written notice and demand certifying that the information contained therein is

true and correct and containing the name of the taxable or the spouse thereof and the amount of tax due. Upon the presentation of such written notice and demand, it shall be the duty of any such corporation, political subdivision, association, company, firm or individual to deduct from the wages, commissions or earnings of such individual employees, then owing or that shall within sixty days thereafter become due, or from any unpaid commissions or earnings of any such taxable in its or his possession, or that shall within sixty days thereafter come into its or his possession, a sum sufficient to pay the respective amount of the delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and earned income taxes and costs, shown upon the written notice or demand, and to pay the same to the tax collector of the taxing district in which such delinquent tax was levied within sixty days after such notice shall have been given. No more than ten percent of the wages, commissions or earnings of the delinquent taxpayer or spouse thereof may be deducted at any one time for delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and earned income taxes and costs. Such corporation, political subdivision, association, firm or individual shall be entitled to deduct from the moneys collected from each employee the costs incurred from the extra bookkeeping necessary to record such transactions, not exceeding two percent of the amount of money so collected and paid over to the tax collector. Upon the failure of any such corporation, political subdivision, association, company, firm or individual to deduct the amount of such taxes or to pay the same over to the tax collector, less the cost of bookkeeping involved in such transaction, as herein provided, within the time hereby required, such corporation, political subdivision, association, company, firm or individual shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over, or that are withheld and not paid over together with a penalty of ten percent added thereto, to be recovered by an action of assump sit in a suit to be instituted by the tax collector, or by the proper authorities of the taxing district, as debts of like amount are now by law recoverable, except that such person shall not have the benefit of any stay of execution or exemption law. The tax collector shall not proceed against a spouse or his employer until he has pursued collection remedies against the delinquent taxpayer and his employer under this section.

Section 6. Section 20 of the act is amended to read:

Section 20. Collection of Delinquent Per Capita, Occupation, Occupational Privilege, Emergency and Municipal Services, Local Services and Earned Income Taxes from the Commonwealth.—Upon presentation of a written notice and demand under oath or affirmation, to the State Treasurer or any other fiscal officer of the State, or its boards, authorities, agencies or commissions, it shall be the duty of the treasurer or officer to deduct from the wages then owing, or that shall within sixty days thereafter become due to any employee, a sum sufficient to pay the respective amount of the delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and earned income taxes and costs shown on the written notice. The same shall be paid to the tax collector of the taxing district in which said delinquent tax was levied within sixty days after such notice shall have been given.

Section 7. Section 22.1 of the act, added November 30, 2004 (P.L.1520, No.192), is amended to read:

Section 22.1. Costs of Collection of Delinquent Per Capita, Occupation, Occupational Privilege, Emergency and Municipal Services, Local Services and Earned Income Taxes.—(a) A person, public employe or private agency designated by a governing body of a political subdivision to collect and administer a per capita, occupation, occupational privilege, emergency and municipal services, local services or earned income tax may impose and collect the reasonable costs incurred to provide notices of delinquency or to implement similar procedures utilized to collect delinquent taxes from a taxpayer as approved by the governing body of the political subdivision. Reasonable costs collected may be retained by the person, public employe or private agency designated to collect the tax as agreed to by

the governing body of the political subdivision. An itemized accounting of all costs collected shall be remitted to the political subdivision on an annual basis.

(b) Costs related to the collection of unpaid per capita, occupation [or], occupational privilege, emergency and municipal services or local services taxes may only be assessed, levied and collected for five years from the last day of the calendar year in which the tax was due.

(c) A delinquent taxpayer may not bring an action for reimbursement, refund or elimination of reasonable costs of collection assessed or imposed prior to the effective date of this section. Additional costs may not be assessed on delinquent taxes collected prior to the effective date of this section.

Section 8. Sections 22.4 and 22.5 of the act, added December 1, 2004 (P.L.1729, No.222), are amended to read:

[Section 22.4. Emergency and Municipal Services Taxes.—Any reference in any act or law to an occupational privilege tax shall mean the emergency and municipal services taxes as provided for in this act.

Section 22.5. Restricted Use.—(a) Any municipality deriving funds from the emergency and municipal services tax may only use the funds for:

- (1) police, fire and/or emergency services;
- (2) road construction and/or maintenance; or
- (3) reduction of property taxes.

(b) For the purpose of the emergency and municipal services tax, the term municipality does not include a school district.]

Section 9. The act is amended by adding a section to read:

Section 22.6. Restricted Use.—(a) Any municipality deriving funds from the local services tax may only use the funds for:

- (1) Police, fire and/or emergency services.
- (2) Road Construction and/or maintenance.
- (3) Reduction of property taxes.

(4) Property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85 Subch. F (relating to homestead property exclusion).

(b) In the event that a municipality decides to implement a homestead and farmstead exclusion for purposes of providing property tax relief in accordance with subsection (a)(4), the following shall apply:

(1) The decision to provide a homestead and farmstead exclusion shall be made, by ordinance, prior to December 1, with the homestead and farmstead exclusion to take effect for the fiscal year beginning the first day of January following adoption of the ordinance. Upon adopting an ordinance in accordance with this paragraph, a municipality shall, by first class mail, notify the assessor, as defined in 53 Pa.C.S. § 8582 (relating to definitions), of its decision to provide a homestead and farmstead exclusion.

(2) The assessor shall provide a municipality that will be imposing a homestead and farmstead exclusion in accordance with subsection (a)(4) with a certified report, as provided in 53 Pa.C.S. § 8584(i) (relating to administration and procedure), listing information regarding homestead and farmstead properties in the municipality as determined pursuant to applications filed with the assessor in connection with this or any other law under which a homestead or farmstead exclusion has been adopted. In the year in which an ordinance is adopted in accordance with paragraph (1), the assessor shall provide the certified report after being notified by the municipality of its decision to provide a homestead and farmstead exclusion. In each succeeding year, the assessor shall provide the certified report by December 1 or at the same time the tax duplicate is certified to the municipality, whichever occurs first. Any duty placed on an assessor in accordance with this paragraph shall be in addition to those established in 53 Pa.C.S. Ch. 85 Subch. F and the act of July 5, 2004 (P.L.654, No.72), known as the “Homeowner Tax Relief Act.”

(3) Only homestead or farmstead properties identified in the certified report of the assessor obtained in any year shall be eligible to receive the exclusion for the next fiscal year.

(4) In the year in which a municipality adopts the ordinance evidencing its decision to implement a homestead and farmstead exclusion, the municipality shall notify by first class mail the owner of each parcel of residential property within the municipality which is not approved as a homestead or farmstead property or for which the approval is due to expire of the following:

(i) That the homestead and farmstead exclusion program is to be implemented to provide property tax relief as authorized by subsection (a)(4), beginning in the next fiscal year.

(ii) That only properties currently identified in the certified report of the assessor as having been approved in whole or in part as homestead or farmstead properties shall be entitled to an exclusion in the next fiscal year.

(iii) That owners of properties that have not been approved by the assessor as homestead or farmstead properties may file an application in accordance with 53 Pa.C.S. § 8584(a) by the annual application deadline of March 1 in order to qualify for the program in the year following the next fiscal year.

(5) The one-time notice required by paragraph (4) may be combined and made together with the annual notice required by paragraph (7) or with an annual notice by a coterminous political subdivision that has implemented a homestead and farmstead exclusion.

(6) In the year in which the initial decision to provide a homestead and farmstead exclusion is made and in each succeeding year, a municipality shall, by resolution, fix the dollar amount that is to be excluded from the assessed value of each homestead and farmstead property for the next fiscal year, consistent with 53 Pa.C.S. §§ 8583 (relating to exclusion for homestead property) and 8586 (relating to limitations). This determination of the amount of the homestead and farmstead exclusion shall be made, after receipt of the tax duplicate and the certified report from the assessor, at the time the governing body of a municipality determines the municipal budget and estimates revenues to be derived from the local services tax for the next fiscal year.

(7) Each year after the year in which the municipality implements a homestead and farmstead exclusion and no later than sixty days prior to the application deadline, the municipality shall give notice of the existence of the municipality’s homestead and farmstead exclusion program, the need to file an application in accordance with 53 Pa.C.S. § 8484(a) in order to qualify for the program and the application deadline, which in accordance with 53 Pa.C.S. § 8584(b), shall be March 1. This annual notice, which shall be given by first class mail, need only be sent to the owner of each parcel of residential property in the municipality which is not approved as homestead or farmstead property or for which the approval is due to expire.

(c) For the purpose of the local services tax, the term “municipality” does not include a school district.

Section 10. Any ordinance or resolution providing for the levying, assessment or collection of a tax on individuals for the privilege of engaging in an occupation which has been enacted by a political subdivision prior to December 1, 2004, shall continue in full force and effect, without reenactment, as if such tax had been levied, assessed or collected as a local services tax under section 2(9) of the act. All references in any ordinance or resolution to a tax on the privilege of engaging in an occupation shall be deemed to be a reference to a local services tax for the purposes of the act.

Section 11. All emergency and local services taxes levied for the calendar year beginning on January 1, 2005, shall remain in effect for the calendar year beginning on January 1, 2005, and ending December 31, 2005, and are not otherwise altered.

Section 12. The amendment or addition of the following provisions shall apply to taxes levied for calendar year 2006 and each year thereafter:

- (1) The amendment of section 2 of the act.
- (2) The amendment of section 8 of the act.
- (3) The amendment of section 9 of the act, except for any editorial amendment changing the reference from the

Department of Community Affairs to the Department of Community and Economic Development.

- (4) The amendment of section 19 of the act.
- (5) The amendment of section 20 of the act.
- (6) The amendment of section 22.1 of the act.
- (7) The amendment of section 22.4 of the act.
- (8) The amendment of section 22.5 of the act.
- (9) The addition of section 22.6 of the act.

Section 13. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of section 2(9) of the act.

(2) Section 6 of the act of December 1, 2004 (P.L.1729, No.222), entitled "An act amending the act of December 31, 1965 (P.L.1257, No.511), entitled 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employees to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,' further providing for delegation of taxing powers and restrictions thereon; providing for nonresident sports facility usage fee, for parking tax rates and for payroll taxes; further providing for limitations on rates of specific taxes and for the appointment of a single collector of taxes; further providing for the applicability of petitions under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act; and making a repeal," is repealed.

Section 14. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

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

NAYS—1

Mahe

NOT VOTING—0

EXCUSED—11

Bishop	Evans, D.	Rieger	Taylor, E. Z.
Bunt	Harhai	Saylor	Taylor, J.
DeLuca	McIlhinney	Shaner	

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The majority whip requests a leave of absence for the gentleman, Mr. William KELLER, for the remainder of the week. Without objection, that leave will be granted.

CONSIDERATION OF SB 157 CONTINUED

On the question,

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

Mr. ZUG offered the following amendment No. **A03326**:

Amend Sec. 9 (Sec. 22.6), page 13, lines 39 through 59; page 14, lines 1 through 59; page 15, lines 1 through 12 (A03287), by striking out "may only use the" in line 39, all of lines 40 through 59, page 13, all of lines 1 through 59, page 14, all of lines 1 through 12, page 15 and inserting

shall use no less than twenty-five percent of the funds for police, fire and emergency services.

Amend Sec. 9, (Sec. 22.6), page 15, line 13 (A03287), by striking out “(c)” and inserting
(b)

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman stand for a brief interrogation?

Mr. ZUG. Yes, Mr. Speaker.

Mr. VITALI. Could we have a brief explanation of this amendment? Oh, I am sorry. Could we have a brief explanation of this amendment?

Mr. ZUG. What the amendment does is says that 25 percent of the funds generated need to go to police, fire, and emergency services. As you know, this initially was the emergency services tax. What we are doing is saying some of that money still needs to go to those services.

Mr. VITALI. Now, I just want to be clear, because the description is that this would limit 25 percent or less funds from being used for police, fire, and emergency services.

Mr. ZUG. The amendment says—

Mr. VITALI. I am sorry.

Mr. ZUG. —“...no less than twenty-five percent of the funds for...”

Mr. VITALI. Okay. And that would be true even if a municipality decided to use this for something entirely different like, you know, streets or paving or some other project. They could not do that if they wanted to?

Mr. ZUG. When we passed the original EMS tax, which we are changing the name, all of it could be used for police, fire, emergency services. We have changed that program. Now, we are saying at least 25 percent must be used for those services.

Mr. VITALI. Now, have the local associations which represent the municipalities affected – I am assuming they are like the township commissioners and the Boroughs Association and groups like that – have they taken a position on your amendment?

Mr. ZUG. They have not contacted me. Although the volunteer Firemen’s Association for the State thinks it is a good idea, but the local governments have not contacted me.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I just want to speak briefly on the amendment.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Again I am just going to raise the issue of local control. The municipalities get a pool of money, and the question is, who is in a better position to decide how to spend that money the best? Are we as a legislature saying you have to use 25 percent of this for this purpose, or should it be the municipality who says we want to spend the money this way? I just raise that as an issue.

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

The following roll call was recorded:

YEAS—185

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

NAYS—6

Cawley	Melio	Stetler	Vitali
Freeman	Smith, B.		

NOT VOTING—0

EXCUSED—12

Bishop	Evans, D.	McIlhinney	Shaner
Bunt	Harhai	Rieger	Taylor, E. Z.
DeLuca	Keller, W.	Saylor	Taylor, J.

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. ADOLPH offered the following amendment No. A04468:

Amend Sec. 1 (Sec. 2), page 2, lines 39 through 44 (A03287), by striking out “It is the intent of this section that a political” in line 39, all of lines 40 through 43 and “services tax.” in line 44

Amend Sec. 1 (Sec. 2), page 5, line 23 (A03287), by striking out “established by the employer” and inserting

remaining in the calendar year after the employee has earned at least twelve thousand dollars (\$12,000) in gross wages

Amend Sec. 1 (Sec. 2), page 6, by inserting between lines 40 and 41 (A03287)

(viii) No employee shall become subject to the local services tax until the employee has earned at least twelve thousand dollars (\$12,000) in gross wages. Employers shall not withhold the local services tax from an employee until the payroll period immediately succeeding the payroll period in which an employee has earned at least (\$12,000) in gross wages for the calendar year.

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

The SPEAKER. On that question, the Chair recognizes Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, amendment 4468 exempts employees that earn under \$12,000 from the emergency municipal services tax. I have been contacted by my local board of commissioners that the current bill would take the \$52 or start taking the \$52 out of an employee's pay whether they are full-time or part-time, at which time the employer would have to send the money to the township. At the end of the year, the employee would have to fill out a refund form, and then the township, municipality, would have to set up a refund system to send that part-time employee the \$52 back.

What this amendment simply does is exempt an employee, a part-time employee that earns under \$12,000. The employer would not have to withhold the money, the employee would not have to apply for a refund at the end of the year, and the municipality would not have to refund the amount of the money.

I urge my colleagues to think about this amendment and to support amendment 4468. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MAHER. Mr. Speaker, I was not actually seeking recognition on this amendment. I was hoping to have recognition before the amendment came up, but I might ask that once this amendment has been considered, that I have recognition before we conclude third consideration.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Berks, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I would like to thank the gentleman from Delaware for his amendment. However, from a practical matter, I would tend to agree with him. However, in the pragmatic arena in which we operate, I think it would be best for us to vote in the negative on this amendment.

First thing, the \$12,000 exemption is already in the bill now. It was in under the agreed-to amendment by

Representative Levdansky and me, which was just voted on two amendments ago.

Also, the DCED (Department of Community and Economic Development) has recommended that we not adopt this amendment. They feel very strongly that this is going to be prohibitive on employers; it is going to make it very difficult for them to administer, and thirdly, and not least in any manner, is the fact that negotiations— When we negotiated the agreed-to amendment that was just adopted, we negotiated it with Senate staff as well. Senate staff assured us that if this amendment goes in, they will strip it out.

Now, ordinarily I would not care what the Senate did. However, if this is stripped out, that means this bill comes back to us and it does not get to the people in time to serve any positive tax responsibilities for next year, and it leaves us in the same quandary that we are in right now, and that is, we have got a bad bill and we have not been able to make it any better. And therefore, although I commend the gentleman, nevertheless I recommend a “no” vote on his amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I just want to clear up a little bit of misunderstanding. The bill itself as amended by Representative Leh's amendment provides that individuals who make less than \$12,000 per year will not pay this community services tax. Under present law, municipalities have the option whether or not to exempt people making up to \$12,000 from paying the tax. Under Representative Leh's omnibus amendment, that option will no longer exist at the local level. The municipality will not be able to collect this tax from people making less than \$12,000 a year.

Now, what the Adolph amendment would do, if you read it, it says it has nothing to do— While it may be laudable in terms of the goal of trying to exempt part-time employees, the amendment itself affects all employees, not just part-time. What it says essentially is employers will not begin collecting the tax until an individual has made at least \$12,000. Now, what that means is, what that means is, you know, they are not going to collect it from anybody until they make more than \$12,000.

Pragmatically speaking in terms of administratively, I think this just puts a really big burden on our employers that they are going to have to, you know, catch and find out how much an employee has made according to each payroll period, and then under the amendment, once a person makes \$12,000, then they will start collecting the \$52 annual tax on a per-pay period. Okay? Understand that, on a per-pay period.

It is very clear the big problem here that we are addressing with Representative Leh's amendment and with the prior legislation was employees had to pay the tax up front, \$52 in the first pay period. Under Representative Leh's omnibus amendment, they are only going to collect it on a per-pay-period basis, which is very important. Under this amendment, under this amendment, employers would not start collecting it at all until an individual employee has made more than \$12,000. Administratively this places a big burden and maybe one that is insurmountable for a lot of our employers because they do not track how much an employee makes on an ongoing basis.

Secondly, secondly, let me point out that in Pennsylvania we already have sort of a similar amendment, a similar provision to

what Representative Adolph is suggesting. It is called our poverty exemption to the State personal income tax, and under the State poverty exemption, you do not pay the State personal income tax if you qualify based on household size and income, but we do not say that employers, you know, are not going to collect the State personal income tax until somebody makes more than the threshold. What we say is that you qualify for the State poverty exemption to the personal income tax if your income is below a certain amount.

So you have your State income tax withheld, but when you file your income tax return, you get the deduction. Okay? So this would set up a whole different scheme for the local wage tax – I am sorry – for the local community services tax as opposed to the State personal income tax.

And finally, Mr. Speaker, this provision, this \$52-a-year fee for community services – okay? – you know, we have municipalities right now that are preparing next year's annual budget, and they are assuming that this tax that they levied last year will be in place for the coming year. This bill is here in the House. We have an agreement with the Senate on the omnibus amendment, but we do not have an agreement with the Senate on anything else. My fear is, if this amendment goes in, it is going to create such an administrative nightmare for the employers out there that it is going to hold the bill up in the Senate.

And just remember, remember the outcry we heard last year from our constituents that in their first pay period in January, in their first pay period in January, they got hit with that \$52 fee, and that is what the outrage was about, and it was legitimate, and we did not put in that law when we passed it that it could be collected on a per-pay period. We are going to correct that problem in this omnibus amendment and in the bill as it stands, but my fear is that correction to the law will not be in effect if this bill gets delayed in the Senate, and I, for one, do not want to give the Senate any reason to delay action on this bill, and for those reasons I would oppose adoption of the Adolph amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to explain to my colleagues – and I have read this bill a couple times – make no mistake about it, if you make \$10,000 a year, you are going to have this tax withheld from your pay, whether it is \$1 a week, \$2 a week, \$5 a week, \$20 a quarter, but for every part-time senior citizen that you have out there working, the high school students, the college students that come home on the Christmas holidays and work at the stores trying to pick up some extra money, those employers must withhold a percentage of the \$52.

Now, I have been preparing payroll forms for over 30 years. There are computer systems there that at a push of a button will not withhold tax on the first \$12,000 of wages. Bureaucracy, Mr. Speaker, is taking \$2, \$3, \$4, \$5 a pay period out of someone's pay, then sending it to the municipality, and then asking that high school student, that senior citizen to come in to their town meeting of the municipality and ask for a \$52 refund. And then, Mr. Speaker, your township managers, your supervisors then have to set up a system to refund that money, whether it was \$5, \$6, \$8 a pay period.

Mr. Speaker, this amendment requires employers to do nothing until someone makes \$12,000 a year. Please use some

common sense and stop the bureaucracy that we are setting up here in Harrisburg.

Thank you. I ask for a "yes" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I have a parliamentary inquiry.

I am assuming I am looking at the latest draft of this amendment, and I just want to make sure if we are drafted correctly.

The amendment that I am looking at says on its very first line after the header, "AMENDMENTS TO SENATE BILL NO. 157 (As amended by A04468)," which is the one in front of us, but I think we already amended it with the Zug 3326, and so I am wondering if this is in order, or if it is not, is it somehow going to knock out what we already did because of how it is drafted?

The SPEAKER. The amendment 4468 was a mistake by the Reference Bureau. The amendment does not conflict with the Zug amendment. The top line should be "as amended by amendment 3287."

Ms. MANDERINO. Just a further point of clarification. So is there a corrective amendment? Is it needed or is it okay to take notice of that and it is not conflicting, and so it will just pass or fall on its amendments?

The SPEAKER. It is okay to take notice of that. The substantive language is fine.

Ms. MANDERINO. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—76

Adolph	Evans, J.	Hutchinson	Rubley
Allen	Fairchild	Killion	Samuelson
Armstrong	Flick	Lederer	Scavella
Baldwin	Freeman	Lescovitz	Schroder
Barrar	Gannon	Mann	Siptroth
Belardi	Geist	McCall	Solobay
Belfanti	George	McGeehan	Staback
Blaum	Good	Micozzie	Steil
Butkovitz	Goodman	Myers	Surra
Cawley	Grell	O'Neill	Tangretti
Civera	Grucela	Petri	Thomas
Cohen	Habay	Phillips	Tigue
Corrigan	Hanna	Pistella	Vitali
Crahalla	Harper	Preston	Wansacz
Cruz	Harris	Ramaley	Watson
Daley	Hasay	Rapp	Wright
DiGirolamo	Herman	Raymond	Yewcic
Diven	Hess	Roberts	Youngblood
Eachus	Hickernell	Ross	Yudichak

NAYS—115

Argall	Forcier	Markosek	Rooney
Baker	Frankel	Marsico	Ruffing
Bastian	Gabig	McGill	Sainato
Bebko-Jones	Gerber	McIlhatten	Santoni

Benninghoff	Gergely	McNaughton	Sather
Beyer	Gillespie	Melio	Semmel
Biancucci	Gingrich	Metcalfe	Shapiro
Birmelin	Godshall	Millard	Smith, B.
Blackwell	Gruitza	Miller, R.	Smith, S. H.
Boyd	Haluska	Miller, S.	Sonney
Buxton	Harhart	Mundy	Stairs
Caltagirone	Hennessey	Mustio	Stern
Cappelli	Hershey	Nailor	Stetler
Casorio	James	Nickol	Stevenson, R.
Causer	Josephs	O'Brien	Stevenson, T.
Clymer	Kauffman	Oliver	Sturla
Cornell	Keller, M.	Pallone	True
Costa	Kenney	Parker	Turzai
Creighton	Kirkland	Payne	Veon
Curry	Kotik	Petrarca	Walko
Dally	LaGrotta	Petrone	Waters
Denlinger	Leach	Pickett	Wheatley
Dermoddy	Leh	Pyle	Williams
DeWeese	Levdansky	Quigley	Wilt
Donatucci	Mackereth	Readshaw	Wojnaroski
Ellis	Maher	Reed	Zug
Fabrizio	Maitland	Reichley	
Feese	Major	Roebuck	Perzel,
Fichter	Manderino	Rohrer	Speaker
Fleagle			

NOT VOTING—0

EXCUSED—12

Bishop	Evans, D.	McIlhinney	Shaner
Bunt	Harhai	Rieger	Taylor, E. Z.
DeLuca	Keller, W.	Saylor	Taylor, J.

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?

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I would like to make an inquiry.

I had an amendment drafted to repeal the \$52 emergency tax. I guess by adopting the first amendment, that it ruled mine out of order?

The SPEAKER. That is correct, Mr. Scavello. All the other amendments are out of order.

Mr. SCAVELLO. Well, I just want to make a comment then on final passage.

The SPEAKER. The gentleman is in order.

Mr. SCAVELLO. We are voting on something here that we adopted a year ago, and it is obvious that there was a problem with the bill.

When you take \$52 out of someone's paycheck that is making \$12,000 and some municipalities out there adopted it at \$1,000, adopted it at \$3,000, we talk about here in this chamber taxing food and taxing clothing and the regressivity of a bill. This is a regressive bill, you know, and in my mind, I think we should be repealing it. But what we are looking at here today, we are looking at something better than what we had originally. Leaving municipalities out there to adopt this at \$1,000 and adopt it at \$3,000 is not the right thing to do. So I tried to amend it to repeal it. Of course, the amendment did not hold, but I will support the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I recognize that the prospects of success are slim, but as someone who had opposed this tax a year ago and was very happy about the prospect of at least streamlining it, it seems to me that some of the streamlining that could have been accomplished is sitting by the wayside, and the wayside is obvious in a number of the amendments which are now out of order due to the one gut-and-replace amendment.

MOTION TO TABLE

Mr. MAHER. And in the spirit of seeking results that will be durable and not a series of new headaches for municipalities, for taxpayers, for the State itself, I would offer the motion that we table this bill until Wednesday of this week to allow well-intended amendments to be filed by noon tomorrow.

Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The SPEAKER. The motion to table is only debatable by the floor leaders.

The gentleman, Mr. Smith, the majority leader, and the minority leader defers to the gentleman, Mr. Levdansky.

Mr. Smith.

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

Mr. Speaker, I will have to rise to oppose the motion to table.

This bill, SB 157, is something that has been bantered around for quite some time. Obviously, there is some controversy and some disagreements about how to best handle this particular issue. It is something that we are probably putting many local municipalities in a tough spot right now just at this juncture in time, given when they adopt their budgets. In order for them to properly administer the handling of the tax dollars as it might affect their cash flow, depending on how this tax is collected, I think it is important, Mr. Speaker, that we have the resolution to the degree that we have it, not that everybody agrees with everything in this bill, but to the degree that we have the resolution before us, Mr. Speaker, I think it is imperative that we put this bill to rest in the House and allow the Senate to concur so they can become laws as soon as possible.

So I would ask the members to oppose the motion to table, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, it does not happen often, but I rise to support the majority leader's position relative to the motion to table this bill.

Look, this subject has been discussed, an extraordinary amount of time devoted in committee to addressing a lot of the issues. You know, a year ago, a little more than a year ago when we passed the emergency municipal services tax, we passed it and afterwards we realized that we made some mistakes in the drafting of the legislation. The bill as it now stands fixes those problems. There is now no longer any confusion with our emergency municipal service providers; it is a community services tax. There is a required \$12,000 exemption put in the bill as well rather than an optional one at the local level, okay? And it provides for the collecting of the \$52 over the course of a year rather than in one lump sum at the first pay period. So we fixed the error in the law that we passed a year ago.

Now, a lot of the amendments that have been filed to this bill have nothing to do with the community services tax. It has to do with the amusement tax and other things as well. So this issue has been fully aired in our committee over a period of time, and I think that the bipartisan work that has gone on in this chamber and in communication with the Senate has resulted in the Leh amendment that fixes the problem, and I am just afraid that the longer this goes on, the more opportunity there is to try to nitpick this bill and give every excuse for it, and, you know, lend itself to the point where perhaps it will not be passed.

We need to pass this bill as it stands, get it to the Senate, to let our municipalities know what the changes in the law are so that they can plan for that in next year's municipal budget. We do not want to table the bill and delay further action on it. So I would oppose the motion to table. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—35

Adolph	Eachus	McIlhattan	Rohrer
Barrar	Ellis	Micozzie	Rooney
Benninghoff	Forcier	Miller, S.	Schroder
Beyer	Gannon	O'Neill	Stern
Civera	Habay	Payne	Thomas
Crahalla	Hutchinson	Petri	Watson
Cruz	Killion	Quigley	Wright
DiGirolamo	Maher	Rapp	Yewcic
Diven	McGill	Raymond	

NAYS—156

Allen	Flick	Mackereth	Sainato
Argall	Frankel	Maitland	Samuelson
Armstrong	Freeman	Major	Santoni
Baker	Gabig	Manderino	Sather
Baldwin	Geist	Mann	Scavello
Bastian	George	Markosek	Semmel
Bebko-Jones	Gerber	Marsico	Shapiro
Belardi	Gergely	McCall	Siptroth
Belfanti	Gillespie	McGeehan	Smith, B.
Biancucci	Gingrich	McNaughton	Smith, S. H.
Birmelin	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Millard	Staback
Boyd	Grell	Miller, R.	Stairs

Butkovitz	Grucela	Mundy	Steil
Buxton	Gruitza	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhart	Nickol	Sturla
Causer	Harper	O'Brien	Surra
Cawley	Harris	Oliver	Tangretti
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Parker	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petrone	Veon
Costa	Hess	Phillips	Vitali
Creighton	Hickernell	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Wheatley
Denlinger	Keller, M.	Ramaley	Williams
Dermody	Kenney	Readshaw	Wilt
DeWeese	Kirkland	Reed	Wojnaroski
Donatucci	Kotik	Reichley	Youngblood
Evans, J.	LaGrotta	Roberts	Yudichak
Fabrizio	Leach	Roebuck	Zug
Fairchild	Lederer	Ross	
Feese	Leh	Rubley	
Fichter	Lescovitz	Ruffing	Perzel, Speaker
Fleagle	Levdansky		

NOT VOTING—0

EXCUSED—12

Bishop	Evans, D.	McIlhinney	Shaner
Bunt	Harhai	Rieger	Taylor, E. Z.
DeLuca	Keller, W.	Saylor	Taylor, J.

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

On the question recurring,
Shall the bill pass finally?

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to oppose SB 157 on final passage, and I will say again, as I said it before when I spoke in opposition to this bill in the waning days of the sine die session, this tax unfairly taxes commuters who have no rightful way to speak at city council meetings. If you live in the suburbs, you have no rightful way to speak about how this money is used in the municipality where you work, and I can tell you that there has been an outcry across my region in northeastern Pennsylvania saying clearly that the commuters feel strongly that this is the wrong way to go about taxation. It is fundamental that with taxation, you have representation. You do not have it with the emergency services tax. Now we are going to call it the community services tax.

The other fundamental disagreement that I have about this is at least the mayors of our cities, when they came to lobby for this fundamental change in the occupational privilege tax, said that they wanted to focus this on vital, on vital policing and emergency services, which commuters at least in some way could benefit from. Now we reduced this to 25 percent for police and firemen and emergency services, and we allow the rest of the 75 percent of the money to go to General Fund use. It is a serious abuse of power, and I oppose SB 157 fundamentally for those reasons.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Costa.

Mr. COSTA. Thank you, Mr. Speaker.

A year ago I stood on this very spot when we ran the original bill, and I filed an amendment to make a couple of changes to this bill, and I am very happy to say that the cooperation between the two chairs, that two of those provisions are in this bill right now. A third provision I tried to change this year was the name of the tax. The emergency municipal services people in my area came to me and said they were having trouble collecting money because they thought they were being charged already. I worked with Chairman Levdansky, and I am proud to say that the name that I picked actually is in this final version, and I support this bill and hope the rest of you will, too. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—142

Argall	Fichter	McCall	Scavello
Armstrong	Fleagle	McGeehan	Schroder
Baldwin	Frankel	McIlhattan	Shapiro
Bastian	Freeman	McNaughton	Siptroth
Bebko-Jones	Gabig	Melio	Smith, B.
Belardi	George	Metcalfe	Smith, S. H.
Belfanti	Gerber	Millard	Solobay
Biancucci	Gergely	Mundy	Staback
Blackwell	Gingrich	Mustio	Stairs
Blaum	Goodman	Myers	Steil
Boyd	Grucela	Nailor	Stetler
Butkovitz	Gruitza	O'Brien	Stevenson, R.
Buxton	Haluska	Oliver	Stevenson, T.
Caltagirone	Harhart	O'Neill	Sturla
Cappelli	Harper	Pallone	Surra
Casorio	Harris	Parker	Tangretti
Causar	Hennessey	Payne	Thomas
Cawley	Hershey	Petrarca	Tigue
Clymer	Hickernell	Petrone	Turzai
Cohen	James	Phillips	Veon
Corrigan	Josephs	Pistella	Vitali
Costa	Kauffman	Preston	Walko
Creighton	Kenney	Ramaley	Wansacz
Cruz	Kirkland	Raymond	Waters
Curry	Kotik	Readshaw	Wheatley
Daley	LaGrotta	Reed	Williams
Dally	Leach	Roberts	Wilt
Denlinger	Lederer	Roebuck	Wojnaroski
Dermody	Leh	Rohrer	Wright
DeWeese	Lescovitz	Rooney	Yewcic
Diven	Levdansky	Ross	Youngblood
Donatucci	Maitland	Rubley	Yudichak
Ellis	Manderino	Ruffing	Zug
Fabrizio	Mann	Sainato	
Fairchild	Markosek	Samuelson	Perzel,
Feese	Marsico	Santoni	Speaker

NAYS—49

Adolph	Flick	Hess	Petri
Allen	Forcier	Hutchinson	Pickett
Baker	Gannon	Keller, M.	Pyle
Barrar	Geist	Killion	Quigley
Benninghoff	Gillespie	Mackereth	Rapp

Beyer	Godshall	Maher	Reichley
Birmelin	Good	Major	Sather
Civera	Grell	McGill	Sammel
Cornell	Habay	Micozzie	Sonney
Crahalla	Hanna	Miller, R.	Stern
DiGirolamo	Hasay	Miller, S.	True
Eachus	Herman	Nickol	Watson
Evans, J.			

NOT VOTING—0

EXCUSED—12

Bishop	Evans, D.	McIlhinney	Shaner
Bunt	Harhai	Rieger	Taylor, E. Z.
DeLuca	Keller, W.	Saylor	Taylor, J.

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

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the majority whip requests a leave of absence for the gentleman from Lycoming, Mr. FEESE. Without objection, that leave will be granted.

There will be no further votes on the floor of the House today.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1813, PN 3214 (Amended) By Rep. KENNEY

An Act providing for the allocation of funds to county mental health and mental retardation programs, for cost-of-living adjustments and for the promulgation of rules and regulations.

HEALTH AND HUMAN SERVICES.

HB 2202, PN 3070 By Rep. KENNEY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home infusion therapy to be available to all eligible recipients and adding a definition of "home infusion therapy."

HEALTH AND HUMAN SERVICES.

RESOLUTION REPORTED FROM COMMITTEE

HR 502, PN 3006 By Rep. KENNEY

A Resolution expressing support for Be TEAM Free, also known as the Efrain Anthony Marrero Foundation, for its dedication to educating individuals about the physical and mental risks of anabolic steroids and performance-enhancing supplements.

HEALTH AND HUMAN SERVICES.

ANNOUNCEMENT BY MR. YUDICHAK

The SPEAKER. Are there any further announcements?
Mr. Yudichak.

Mr. YUDICHAK. Personal privilege, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. YUDICHAK. Mr. Speaker, the good Lord blessed my wife and I. On December 1 we had our first child, a beautiful baby girl, Sarah Kathryn Yudichak. Mom and baby are doing fine, and Dad is on cloud nine.

My family here in Harrisburg, I want to thank you for your thoughts and prayers, and my family back in northeastern Pennsylvania, I want to thank them for their many months of thoughts and prayers as well.

Thank you, Mr. Speaker.

The SPEAKER. The Chair congratulates the gentleman, and the Chair thanks the gentleman.

ANNOUNCEMENT BY MR. BELFANTI

The SPEAKER. Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker. Also a point of personal privilege.

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. I would like to express my gratitude to my son and daughter-in-law for providing me with my sixth grandchild yesterday. I am very blessed and so is my wife.

The SPEAKER. The Chair thanks the gentleman and congratulates the gentleman.

FINANCE COMMITTEE MEETING**SUBCOMMITTEE MEETING CANCELED**

The SPEAKER. The gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker. For the purpose of announcing a committee meeting and also canceling a subcommittee meeting.

Tomorrow the special session Finance Committee will meet at 10 a.m. in room 205 of the Matthew Ryan Building. That is the special session Finance Committee. This will piggyback on the regular session Finance Committee at 9:30 in 205.

And also, the special session Subcommittee on Local Control scheduled for 10 a.m. is canceled until further notice.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Finance will meet tomorrow at 9:30 a.m. in room 205 of the Ryan Building for both regular and special session committee meetings.

RECESS

The SPEAKER. 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 PRO TEMPORE
(JERRY BIRMELIN) PRESIDING****BILLS AND RESOLUTIONS PASSED OVER**

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

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gerber of Montgomery County.

Mr. GERBER. Mr. Speaker, I move that this House do now recess until Tuesday, December 6, 2005, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 a.m., e.s.t., Tuesday, December 6, 2005, the House recessed.