

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 6, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 74

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

The SPEAKER pro tempore. The prayer today will be offered by our Guest Chaplain, Rabbi Solomon Isaacson.

RABBI ISAACSON. Good morning, ladies and gentlemen.

In thinking of your obligations as Representatives of your constituents, we all make plans and we would like things to go accordingly. As I spoke to Susan before, there is a saying that we make plans, and God sits in heaven and He laughs: Human beings make plans, but I am the real planner.

And I told her a story, and I think it is nice to know, of an individual in the old country that used to carry the food on their head as they walked to the marketplace, and as he is walking he is thinking, I am going to sell the food and I am going to buy a chicken and a rooster, and then we will have a lot of chickens and roosters. And then I will buy a cow and a steer, and I will have more cows and more steers. And before you know it, I will own the largest livestock in the country, and I will build this big house, and I will have male servants and female servants, and when I walk out of the master bedroom in the morning, they will line up on each side, and as I walk out, they will tilt their heads like this— And suddenly his whole pot falls, and there goes the whole dream. He suddenly became from somebody just walking with food and a millionaire to nothing.

So as all of you contemplate many decisions that you have to make, we have to have in mind that there is an Almighty, and He is the final decision maker. With that in mind, I would just like to say maybe a moment of silence for the Eagles.

I would like to do a prayer for the soldiers first.

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayers:

(Prayer in Hebrew.)

May He who blessed our fathers Abraham, Isaac, and Jacob bless the United States Armed Forces wherever they may be, who stand guard to protect us from all evil and from our enemies. May the Almighty God protect them and help them in all their endeavors to overcome their enemies. May He send blessings and success in all their endeavors and make their enemies to succumb to them, and may He do this now and

forever and be there with them whenever they go into war. Amen.

(Prayer in Hebrew.)

Almighty God, protect the President of the United States and the Vice President, the Governor, and the House of Representatives. May they be representatives on our behalf. Help them to do the right decisions. Guide them in their moment when they look to You for inspiration and guidance. Be there for them at all of their times. Help their hearts and their minds to make the right decisions on behalf of all of us, and may You watch over them forever. Amen.

RABBI ISAACSON. Thank you very much.

#### 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 Monday, December 5, 2005, will be postponed until printed.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2295** By Representatives SAINATO, REICHLEY, BEBKO-JONES, BUNT, FAIRCHILD, R. STEVENSON, PAYNE, TIGUE, GRUCELA, MARKOSEK, BAKER, READSHAW, BELFANTI, WILT, CAPPELLI, HERMAN, GOODMAN, PISTELLA, GEORGE, FREEMAN, HARRIS, KAUFFMAN, GOOD, CALTAGIRONE, DERMODY, BEYER, LEDERER, SURRA, CRAHALLA, HARHAI, YOUNGBLOOD, GEIST, HENNESSEY, KOTIK, DeWEESE, PHILLIPS, COHEN, QUIGLEY, BALDWIN, McILHATTAN, BOYD, HARPER, WOJNAROSKI, BARRAR, CREIGHTON, J. TAYLOR, McGEEHAN, TURZAI, FABRIZIO, SHANER, SIPTROTH and JAMES

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for recipients of the Korean Defense Service Medal.

Referred to Committee on TRANSPORTATION, December 6, 2005.

**No. 2297** By Representatives REED, ARMSTRONG, BALDWIN, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALEY, FRANKEL, GEIST, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, JAMES, KIRKLAND, McGEEHAN, MILLARD, PICKETT, PISTELLA, RAPP, RUBLEY, STABACK, SURRA, THOMAS and YOUNGBLOOD

An Act establishing the Older Pennsylvanian Higher Education Program; and permitting institutions of higher education to offer higher education courses to older adults without charge of tuition.

Referred to Committee on EDUCATION, December 6, 2005.

**No. 2298** By Representatives CLYMER, HUTCHINSON, ARMSTRONG, BAKER, BALDWIN, BIRMELIN, BOYD, CRAHALLA, CREIGHTON, DENLINGER, FAIRCHILD, FORCIER, GABIG, GINGRICH, HENNESSEY, HERSHEY, HESS, HICKERNELL, KAUFFMAN, KILLION, MAITLAND, McILHATTAN, METCALFE, S. MILLER, REICHLEY, ROHRER, RUBLEY, STERN, R. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI, VITALI, M. KELLER, BASTIAN and FLEAGLE

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, making a repeal relating to gaming.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, December 6, 2005.

**No. 2299** By Representatives BENNINGHOFF, BOYD, MILLARD, CALTAGIRONE, COHEN, CRAHALLA, CREIGHTON, DENLINGER, DeWEESE, FAIRCHILD, GEIST, GOODMAN, HARPER, HARRIS, JAMES, LEACH, LEH, MANDERINO, MARKOSEK, R. MILLER, O'NEILL, PAYNE, PICKETT, READSHAW, ROHRER, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, STABACK, TIGUE and YOUNGBLOOD

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further defining "unfair methods of competition" and "unfair or deceptive acts or practices."

Referred to Committee on CONSUMER AFFAIRS, December 6, 2005.

**No. 2300** By Representative REICHLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for infancy, insanity and imprisonment.

Referred to Committee on JUDICIARY, December 6, 2005.

**No. 2301** By Representatives CLYMER, ARMSTRONG, BARRAR, BEYER, BOYD, CAPPELLI, CAUSER, CRAHALLA, CREIGHTON, DALLY, DENLINGER, FORCIER, FREEMAN, GABIG, GILLESPIE, GINGRICH, HARHART, HERMAN, HERSHEY, HICKERNELL, KAUFFMAN, KENNEY, KIRKLAND, MANN, MARKOSEK, McILHATTAN, METCALFE, MUNDY,

MUSTIO, PICKETT, PYLE, RAPP, READSHAW, REED, REICHLEY, ROHRER, RUBLEY, SCAVELLO, SCHRODER, SHAPIRO, SONNEY, STABACK, R. STEVENSON, T. STEVENSON, TIGUE, TRUE, WILT and YOUNGBLOOD

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for public official financial interest.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, December 6, 2005.

**No. 2302** By Representatives DALEY, SCAVELLO, CALTAGIRONE, TIGUE, HANNA, READSHAW, McILHATTAN, DIVEN and SIPTROTH

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly composed of 125 members.

Referred to Committee on STATE GOVERNMENT, December 6, 2005.

**No. 2303** By Representatives BOYD, DENLINGER, MACKERETH, FREEMAN and GANNON

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for licensure; and imposing functions on the Commissioner of Professional and Occupational Affairs and the Legislative Reference Bureau.

Referred to Committee on PROFESSIONAL LICENSURE, December 6, 2005.

**No. 2304** By Representatives SOLOBAY, McCALL and GEIST

An Act designating the bridge carrying State Route 1025 over Interstate 79 in North Strabane Township, Washington County, as the Canon-McMillan Alumni Bridge.

Referred to Committee on TRANSPORTATION, December 6, 2005.

## SENATE BILLS FOR CONCURRENCE

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

### SB 618, PN 1359

Referred to Committee on JUDICIARY, December 6, 2005.

### SB 860, PN 1136

Referred to Committee on CONSUMER AFFAIRS, December 6, 2005.

**CALENDAR****BILL ON THIRD CONSIDERATION**

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

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

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

**BILL TABLED**

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1312 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 1312 be taken off the table.

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

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 1057, PN 3103**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE**

**RECESS RESOLUTION  
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate  
December 5, 2005

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that

when the Regular Session of the Senate recesses this week, it reconvene on Monday, December 12, 2005, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, December 12, 2005, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

**GUESTS INTRODUCED**

The SPEAKER pro tempore. We have some guests with us today.

First, we have two guest pages who are the guests of Representative Rod Wilt. These are two students from his district that are serving as guest pages today. They are both from the St. Michael School. They are Jenna Green and Naomi Marshall. If you are here, young people, would you please stand and be recognized. Welcome to Harrisburg.

We also have some guest pages today who are the guests of Representative Chris Ross. They are from the Kennett Middle School. They are Elizabeth Murashige, Austin Robuck, Melissa Cassel, and Daise Bedolla. Also, please welcome their parents and teacher, who are seated to the left of the Speaker: Melissa Murashige, Mark Robuck, and Mike Garvin. Welcome to Harrisburg.

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of 12 students in the Council Rock School District who recently participated in an essay contest on "Fire Safety in the Home."

Mr. Speaker, the contest was sponsored by the Society of Chartered Property and Casualty Underwriters and was cosponsored by the school district.

Whereas, fire safety in the home is an important subject for the entire family to discuss and practice. The knowledge of understanding what to do in case of a fire can help save a life or prevent serious injury from occurring.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of the outstanding students: Amanda Sgro, Samantha Gougher, Jacoby Honeycutt, Tianna Honeycutt, Rachel Millstein, Lauren Griffin, Nicholas Wu, Aditya Peri, Haley Blair, Marisa Tuszl, Hannah Lockwood, Lindsey Norden, and Jessica Richmond.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who asks for a leave of absence for the following: Representative E. Z. TAYLOR from Chester County; Representative DALLY from Northampton County; Representative HABAY from Allegheny County; and for the week, Representative BUNT from Montgomery County.

The Chair also recognizes the minority leader, who asks for a leave of absence for the day for Representative YEWIC from Cambria County. Also on leave for the rest of the week, from the Democrat side, are Representative SHANER, Representative RIEGER, Representative DeLUCA, and Representative William KELLER. Without objection, the leaves are granted.

**MASTER ROLL CALL**

The SPEAKER pro tempore. The Chair at this time is asking to have the members vote on the master roll call. Members, please proceed to vote.

The following roll call was recorded:

**PRESENT—194**

Adolph	Feese	Maher	Ross
Allen	Fichter	Maitland	Rubley
Argall	Fleagle	Major	Ruffing
Armstrong	Flick	Manderino	Sainato
Baker	Forcier	Mann	Samuelson
Baldwin	Frankel	Markosek	Santoni
Barrar	Freeman	Marsico	Sather
Bastian	Gabig	McCall	Saylor
Bebko-Jones	Gannon	McGeehan	Scavello
Belardi	Geist	McGill	Schroder
Belfanti	George	McIlhattan	Semmel
Benninghoff	Gerber	McIlhinney	Shapiro
Beyer	Gergely	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Smith, S. H.
Bishop	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	Haluska	Myers	Stetler
Cappelli	Hanna	Nailor	Stevenson, R.
Casorio	Harhai	Nickol	Stevenson, T.
Causar	Harhart	O'Brien	Sturla
Cawley	Harper	Oliver	Surra
Civera	Harris	O'Neill	Tangretti
Clymer	Hasay	Pallone	Taylor, J.
Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Denlinger	Keller, M.	Pyle	Watson
Dermody	Kenny	Quigley	Wheatley
DeWeese	Killion	Ramaley	Williams
DiGiroloamo	Kirkland	Rapp	Wilt
Diven	Kotik	Raymond	Wojnaroski
Donatucci	LaGrotta	Readshaw	Wright
Eachus	Leach	Reed	Youngblood

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

**ADDITIONS—0****NOT VOTING—0****EXCUSED—9**

Bunt	Habay	Rieger	Taylor, E. Z.
Dally	Keller, W.	Shaner	Yewic
DeLuca			

**LEAVES ADDED—5**

Beyer	Daley	Donatucci	Rohrer
Clymer			

**LEAVES CANCELED—1**

Beyer

**HARRISBURG LEGISLATIVE LEAVE**

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to request a leave, a Capitol leave today, for the gentleman from Beaver and Allegheny, Mr. KOTIK.

The SPEAKER pro tempore. Without objection, the leave is granted.

Mr. COHEN. Thank you.

**RULES COMMITTEE MEETING**

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

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1057, PN 3103**

By Rep. S. SMITH

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

RULES.

**LEAVE OF ABSENCE**

The SPEAKER pro tempore. The Chair returns to requests for leave of absence, and the minority whip asks for a leave for the day for the Representative from Washington County, Mr. DALEY. Without objection, the leave is granted.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 348, PN 2999**, entitled:

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.

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

Mrs. **HARHART** offered the following amendment No. **A04659**:

Amend Sec. 2 (Sec. 6396), page 6, lines 12 through 14, by striking out "to assist each" in line 12 and all of lines 13 and 14 and inserting

for the establishment and continued operation of child advocacy centers.

Amend Sec. 2 (Sec. 6396), page 6, by inserting between lines 22 and 23

(c) Grants.—Funding from the account shall be administered to all eligible applicants that apply, to the extent that funds are available in the account. No more than 20% of the funds in the account annually shall be granted to one eligible applicant. For the first three years after the account is established, the department shall endeavor to grant 20% of the account to eligible applicants working to establish child advocacy centers in counties not yet served by a child advocacy center.

Amend Sec. 2 (Sec. 6396), page 6, line 23, by striking out "(c)" and inserting

(d)

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

The following roll call was recorded:

**YEAS—193**

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

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—10**

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Daly	Keller, W.		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

**REMARKS SUBMITTED FOR THE RECORD**

Mrs. **HARHART** submitted the following remarks for the Legislative Journal:

Mr. Speaker, thank you for allowing me the opportunity to comment today on HB 348.

My legislation creates a regular funding source for child advocacy centers currently operating or for the establishment of these centers throughout Pennsylvania. Following a visit to the Child Advocacy Center of Lehigh County, which is in Allentown, it is evident that there needs to be more of these types of facilities in Pennsylvania to help victims of child abuse and make the interview and medical examination process as comforting and easy as possible.

Currently these facilities must rely on private donations, fundraising, or charitable organizations to continue to keep their doors open to children who have suffered some form of abuse or neglect.

It is because of this lack of a direct funding stream that most counties in Pennsylvania do not or cannot afford to develop a child advocacy center.

The grants developed in my legislation would be generated through an increase in additional civil court and appellate court filing fees and not tax money. Under my bill, these moneys could only be used in coordination of efforts related to the prevention, investigation, and treatment of child abuse, including neglect, physical, and sexual abuse.

No one deserves to be abused, especially a child. These children have undergone trauma we cannot even imagine. It is because of these children that more centers need to be developed in other regions of the Commonwealth.

Child abuse is happening everywhere and kids need a comforting place they can go where they can be treated medically, interviewed by law enforcement, and talk with social workers about their experiences and begin the healing process. Child advocacy centers provide a central location where all of this can occur in a streamlined manner.

Mr. Speaker, it is my hope this morning that the members of the House will vote to pass this legislation, which will help provide the thousands of child abuse victims throughout the State with a place to go for help.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—189

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

Donatucci	Leach	Reed	Wright
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	
Fairchild	Maher	Ross	Perzel,
Feese	Maitland	Rubley	Speaker

## NAYS—4

Casorio	Forcier	Hutchinson	Metcalfe
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## NOT VOTING—0

## EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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 1632, PN 2017**, entitled:

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."

On the question,

Will the House agree to the bill on third consideration?

Mr. **KENNEY** offered the following amendment No. **A04269**:

Amend Sec. 2 (Sec. 5), page 2, lines 25 through 30; page 3, lines 1 through 9, by striking out all of said lines on said pages and inserting

(D) Refusing to pay an insured for losses arising out of abuse to that insured under a property and casualty insurance policy or contract to the extent of the insured's legal interest in the covered property if the loss is caused by the intentional act of another insured, or using other exclusions or limitations which the commissioner has determined unreasonably restrict the ability of victims of abuse to be indemnified for such losses. When an insured submits a claim for losses pursuant to this subsection, the insurer shall provide to the insured a notice stating that:

(I) the insurer cannot refuse to pay a claim without conducting a reasonable investigation;

(II) such investigation may include or result in contact with other insureds;

(III) at the request of the insured, the insurer will not disclose the location of the insured to the other insureds or third parties as part of the investigation;

(IV) the insurer will notify the insured at least fourteen days prior to instituting any legal action against the insured alleged to have caused the loss; and

(V) the national domestic violence hotline number.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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

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

\* \* \*

The House proceeded to third consideration of **SB 539, PN 872**, entitled:

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.

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

Mr. **GERGELY** offered the following amendment No. **A04761**:

Amend Title, page 1, line 3, by inserting after "hunting;" providing for a special license and license auction to hunt one elk;

Amend Bill, page 2, by inserting between lines 15 and 16 Section 2. Section 2706.2 of Title 34 is amended to read:

§ 2706.2. [Application limitation] Elk hunting licenses.

(a) Application limitation.—Whenever the commission makes a determination to authorize a hunting season for the taking of elk, no person may submit more than one application for an elk hunting license in any license year.

(b) License auction.—The commission is authorized to auction off a special license to hunters interested in the opportunity to hunt one elk subject to the following:

(1) One license shall be auctioned annually.

(2) The auction shall be open to residents and nonresidents of this Commonwealth.

(3) The commission shall contract with the Rocky Mountain Elk Foundation to implement and conduct the auction.

(4) The Rocky Mountain Elk Foundation shall receive 5% of the proceeds from the auction, and the commission shall use the balance of the proceeds to pay for elk habitat improvements in this Commonwealth.

(5) All license fees shall be paid to the commission.

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

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes Mr. Gergely, who withdraws the amendment.

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

The SPEAKER pro tempore. Mr. Gergely, you had two amendments. Is the second one withdrawn? They are both withdrawn. The Chair thanks the gentleman.

Do any other members have amendments for this bill? The gentleman, Mr. Smith, do you have an amendment?

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

NAYS—0



NOT VOTING—0

EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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

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

\* \* \*

The House proceeded to third consideration of **HB 2136, PN 3057**, entitled:

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

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

Mr. **KENNEY** offered the following amendment No. **A04712**:

Amend Title, page 1, line 2, by striking out “penalties AND SENTENCING for”

Amend Sec. 1, page 1, lines 6 through 14; page 2, lines 1 through 28, by striking out all of said lines on said pages and inserting

Section 1. Section 3742 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3742. Accidents involving death or personal injury.

(a) [General rule.—] Injury.—The driver of any vehicle involved in an accident resulting in injury [or death] of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(a.1) Serious bodily injury.—The driver of any vehicle involved in an accident resulting in serious bodily injury of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744. Every stop shall be made without obstructing traffic more than is necessary.

(a.2) Death.—The driver of any vehicle involved in an accident resulting in death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744. Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalties.—

[(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the first degree.

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum

term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law.

(3) If the victim dies, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.]

(1) A person who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not less than \$300 and to a minimum term of imprisonment of not less than 48 hours.

(2) A person who violates subsection (a.1) commits a felony of the third degree and shall, upon conviction, be sentenced to pay a mandatory minimum fine of \$1,000 and to a minimum term of imprisonment of not less than 90 days.

(3) A person who violates subsection (a.2) commits a felony of the second degree and shall, upon conviction, be sentenced to pay a mandatory minimum fine of \$5,000 and to a minimum term of imprisonment of not less than three years. An additional fine and term of imprisonment under this paragraph shall be imposed for each victim whose death is the result of the violation of subsection (a.2).

(c) Authority of sentencing court.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection [(b)(2) or (3)] (b) or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

Amend Sec. 1 (Sec. 3742), page 2, line 29, by striking out “(C.3)” and inserting

(c.1)

Amend Sec. 1 (Sec. 3742), page 3, line 6, by striking out all of said line and inserting

(d) Definitions.—As used in this section, the term “serious bodily injury” means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

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

The SPEAKER pro tempore. Those in favor of the amendment will vote “aye”; those opposed— The Chair rescinds that statement.

The gentleman, Mr. Vitali, are you seeking recognition?

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Kenney, indicates he is willing to do so.

Mr. VITALI. Would the maker of the amendment give a brief explanation of the amendment?

Mr. KENNEY. Thank you, Mr. Speaker.

This is a technical amendment which restructures section 3742, the hit-and-run section, of the Vehicle Code. Working with the District Attorneys Association, they advised us to put in language that would comply with the Apprendi v. New Jersey U.S. Supreme Court decision to further clarify this section of the law.

The amendment also deletes language of the bill no longer needed due to this restructuring of offenses and penalties. But the bottom line is, the enforcement and penalty remain the

same, and the D.A.s just thought it necessary to clarify this in statute.

Mr. VITALI. So this does not change the law, the existing law, in any substantive way or this does not change the bill itself in any substantive way?

Mr. KENNEY. This does not change the bill in any substantive way. We do increase the penalties for hit and run with a fatality to move it into line with the DUI (driving under the influence) statute for a hit-and-run fatality.

Mr. VITALI. Okay. So could you basically outline that, because I think that is a very important point here. Could you outline what the penalties under this amendment provide?

Mr. KENNEY. Yes. This bill establishes a minimum fine of \$300 and a minimum term of imprisonment of not less than 48 consecutive hours for leaving the scene of an accident. Also, the bill increases the penalties for leaving the scene of an accident where a death occurred to a felony of the second degree, carrying a minimum fine of \$5,000 and a 3-year mandatory minimum jail term. So that is the significance of the bill. If a death occurs through a hit and run, leaving the scene, we increase that to a felony of the second degree, a minimum fine of \$5,000, and a 3-year mandatory minimum jail term. Today, presently, it is 1 year.

Mr. VITALI. Okay. So let me understand this. You can have a person who is involved in an accident, he could be perfectly sober, not a drop of alcohol in him; he could in fact not be at fault in that accident; he could not in fact know that accident involved a death, and that person must go to jail for a minimum of 3 years.

Mr. KENNEY. If someone hits a human being and leaves that scene and that person dies, then yes, it is called a hit and run, and someone dies because they did not stop at all for assistance, then yes, this legislation, which has been passed at least twice in this House prior, would be the law.

Mr. VITALI. Now, I just want to be clear. Your amendment does not require a causation between leaving the scene and the death. In other words, leaving the scene does not have to be the cause of death for this statute to apply.

Mr. KENNEY. If someone is hit with a car and you continue to proceed and do not stop at all for assistance and that person dies, this legislation would increase the penalty for doing that.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the amendment.

The SPEAKER pro tempore. If the gentleman would just hold on for a second. Let us try to get it a little quieter in here.

Members should be in their seats. There are several conversations that are being held in the aisles and along the sides, and the ultimate result of all that is a lot of noise that is going to diminish the ability of members to hear the debate.

Members, please take your seats. Members, please take your seats. Members, please take your seats. If you have to have a conference, do it outside of the hall.

The gentleman, Mr. Vitali, may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I would urge a vote against the amendment, and I do that having been around here long enough to know that this is going to pass overwhelmingly. But I would just like the members to just stop and think about this statute for a second. There is no doubt that it is a seriously wrong thing to do, to leave the scene of the accident, and it is also, you know, very clear that a person who does that wrong thing be punished. But I think what

this amendment does by creating this 3-year minimum mandatory is sets up the framework for, in some cases, excessive or unjust punishment.

Under this amendment, you could have a scenario where someone was involved in an accident that resulted in death. That person who was involved in the accident, because of panic, because of fear of other things on their record, because of other issues, in a moment of panic leaves the scene. That person, under this amendment, could be perfectly sober, not having a drop to drink; could be perfectly not at fault with regard to the accident; their leaving the scene could not have in any way contributed to the death, yet as this amendment is drafted, that person would have to serve a mandatory minimum of 3 years in jail. I would submit to you that it is not an appropriate thing to impose a minimum mandatory here, that that penalty for the person in this situation should be left up, within the sentencing guideline parameters, to the particular facts and circumstances of that case.

I think the penalties here are excessive, and I would urge a “no” vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

Mr. Speaker, all too often that person leaving the scene of an accident leaves the scene of an accident to avoid a DUI and returns when it is feasible and when the blood-alcohol level is not such that they are convicted of a DUI.

This amendment is necessary. Representative Rooney and I have had this amendment passed on two or three occasions, sent over to the Senate, and die there. I think this is a deterrent. It is something that we need to do. Too often people are leaving the scene of an accident after having consumed alcohol and are not in any condition to be apprehended, returning after they are in that kind of a better condition, I should say, and that creates a different set of circumstances when they are to be penalized.

I think the Kenney amendment is appropriate and proper, and we should insert it into this bill. I would encourage a positive vote on this amendment. Thank you.

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

Mr. BLAUM. Thank you, Mr. Speaker.

At first blush of reading the legislation, I tend to agree with the previous speaker that this kind of a bill is necessary. As you look at it further, I think the gentleman, Mr. Vitali, raises some good points.

I wonder about the teenager, in the early evening, with no alcohol involved, who, as was stated earlier, backs over someone. Maybe she is being chased. Maybe, you know, there is a problem there, and she guns the car and backs over somebody and leaves the scene. Is that 17-year-old – I guess my question is to the maker of the amendment – is that 18-year-old, 19-year-old, subject to a 3-year mandatory sentence—

The SPEAKER pro tempore. Mr. Blaum, are you asking to interrogate Mr. Kenney?

Mr. BLAUM. Yes, Mr. Speaker. I think that question, and let me restate it – I agree with the gentleman, Mr. Corrigan; I mean, where alcohol is involved or is believed to be involved, this certainly is appropriate, and it deals with a problem which should be corrected – but does the bill, you know, call for the 3-year mandatory in all cases? And the one I cited, a hypothetical, a teenage girl, perhaps the daughter of somebody here, one evening, early in the evening, no alcohol anywhere

near the incident, is being bothered and takes off, gets in the car, floors it, does hit someone and keeps going. Would she be subject to a 3-year mandatory minimum?

The SPEAKER pro tempore. Mr. Kenney, are you responding to Mr. Blaum?

Mr. KENNEY. Yes. Thank you, Mr. Speaker.

Presently under law, drivers have a responsibility and a requirement, a duty, to stop and render aid. I think in the example Mr. Blaum gave, if that person hits someone and went and made a phone call, I think they would adhere to the law. But someone, and as I think Mr. Corrigan said, what has happened is this loophole, when someone hits someone, they die, and then you decide 5 hours later to come back and tell the police you were involved, I think that is a different circumstance. So I think if someone goes out of their way to offer assistance by calling the police, by addressing this concern that they have hit someone, if they do that immediately or within reason, I think the court and a jury would find that reasonable that that person did try to assist and would not imply this penalty.

Mr. BLAUM. Thank you, Mr. Speaker.

I think the gentleman is counting on a lot of ifs. That probably answers my question.

Another member just asked the question, and again, it is in the difficult situations where, you know, someone who may have a PFA against somebody, and that person comes after them, they back out of the driveway or they are flying down the street, they hit them and leave, you know, I just think that there are mitigating circumstances in a lot of scenarios that we might come up with that none of us would want to impose the 3-year mandatory minimum, and maybe when we say that this legislation, this language, has passed the House on several occasions before, maybe that is why it has not become law yet.

I know what the gentleman is trying to get at, I absolutely agree with what he is trying to get at, but I think with the 3-year mandatory, I do not know where that 18-year-old girl with no alcohol, no drugs, anywhere near the place has any room to escape a mandatory sentence.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Haluska, is seeking recognition.

Mr. HALUSKA. Thank you, Mr. Speaker.

Listening to the comments of the maker of the amendment, basically what he was describing, you are tying the court's hands when you put these mandatory minimum sentences in place. The judge really has no lateral movement. So I will be opposing this amendment.

As I stated before on this House floor, it sounds good to put all these mandatory minimum sentences in place, but we start to warehouse people in our prisons and drive up our prison population, and in the case of some of the speakers today where you could have these circumstances around somebody having an accident, leaving the scene, and then later reporting it, but that is too late. Once you leave the scene, under this legislation, you are finished. I mean, you have left the scene of the accident. There is a minimum mandatory sentence of 3 years. So I will not support this legislation. Thank you.

The SPEAKER pro tempore. Are there any other members seeking to be recognized? The gentleman, Mr. Samuelson, is recognized.

Mr. SAMUELSON. Thank you.

I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Kenney, indicates he is willing to do so. You may proceed.

Mr. SAMUELSON. I would like to ask further about that protection-from-abuse situation, the PFA order. If you had a circumstance where a woman has a PFA against a man, and the guy who has the PFA against him comes after the woman, she tries to flee the scene, he is chasing her, she hits him, she leaves the scene – she is fleeing this guy whom she has a PFA order against – and he ends up dying from that accident, the fact that she left the scene, would that victim of abuse, would that woman who had the PFA order, would she be subject to a 3-year mandatory minimum sentence if she left the scene in the vehicle and the guy later died?

Mr. KENNEY. I think the answer is, if she offers no assistance by calling the police after the fact – she hit someone; they die; she does nothing and just lets that person die and does not take any steps to get that person assistance – under present law, she will get a year. Under present law, she gets a year. So to the previous speaker that said, oh, this poor 18-year-old or what have you, they are going to get a year. What this legislation, I think we are beyond the amendment but what the legislation does, if you do not offer reasonable assistance, as you are under law supposed to do today, that person dies – you know, I believe in most cases there is that alcohol issue, the DUI issue; that is why people flee and do not come back or they come back after they are continent – but to answer your question, if she does nothing in offering any assistance, she will get 1 year.

Mr. SAMUELSON. Under this amendment, 3 years in jail. This victim of abuse would get 3 years in jail. She is fleeing for her life, keep in mind. She might not be thinking clearly as she is trying to flee this guy whom she has gone to court and got a PFA against. He comes after her, perhaps with a weapon; she is fleeing for her life; she hits him in the course of fleeing, and you are saying that she would get 3 years in jail, the victim of abuse? What if she called the police 2 hours later or 3 hours later? As this is written, does it not say that since she left the scene of the accident, would not she be subject to the 3-year minimum sentence?

The SPEAKER pro tempore. Mr. Kenney, let me interrupt you for a minute. We are getting too loud here again.

Members, please take your seats. There are a number of conferences being held that are not obviously about legislation because there is too much levity involved, so we need to break up these conversations. Please take your seats. Those of you interested in last night's ball game, you may want to take that conversation out, way in the back.

Sergeants at Arms, please break up the conversations. Have the members take their seats.

Mr. KENNEY. If I could read from the amendment and—

The SPEAKER pro tempore. Mr. Kenney, you have not been recognized yet. Hold on, please.

Members, let us keep our voices down.

Mr. Kenney, you may proceed.

Mr. KENNEY. "...The driver of any vehicle involved in an accident resulting in death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements..." of this section. So I believe that if, in your description, if they did not offer any assistance or make any

attempt to help that person for whatever reason – I mean, they die – that there should be an increased penalty.

Mr. SAMUELSON. I have another scenario. As I am reading the language of your amendment, the language says, "...The driver of any vehicle involved in an accident resulting in death...." And I know what you are trying to get at, and as Representative Corrigan has said, there are drivers who leave the scene of an accident who are trying to not be detected for DUI, that no one in this House wants to protect such drivers; we need to tighten the laws. But what if you have an accident, a 10-car pileup on the highway. One driver is clearly at fault; one of the other drivers near the front of the pileup dies in the accident. One of those 10 cars is driven by someone, let us say it is your grandmother, and she is a little flustered, she leaves the scene, and then a couple hours later, the next day, she realizes, you know what? I really should have called the police, and so she does. But the way that is worded – any vehicle involved in that 10-car accident – would she be subject to a minimum prison sentence of 3 years? When you say "any vehicle," does that mean all 10 vehicles in the 10-car pileup, even though it might be clearly 1 or 2 vehicles at fault?

Mr. KENNEY. No. The answer is no, and what you are reading is current law. That is current law. I am not changing any of that. That is current law. My legislation increases the penalty. So the answer about involving an accident, that is current law.

Mr. SAMUELSON. Thank you, Mr. Speaker. That ends my interrogation.

I know the goal of the gentleman is to increase penalties to make sure people are not evading detection at scenes of the accident, but there are circumstances that we in this House can imagine where this mandatory 3-year sentence might be applied in a case where perhaps a judge would say it should not be applied if there are extenuating circumstances or if it is somebody who is trying to flee because they are getting away, protecting their own safety, getting away from someone that they have a PFA order against. So I raise those concerns about the breadth of this language.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, will the House agree to the amendment? On that question, the members will proceed to vote. Those in— Oh, well, the clerk will strike the board.

### MOTION TO RECOMMIT

The SPEAKER pro tempore. Mr. Vitali, do you wish to be recognized?

Mr. VITALI. Yes, Mr. Speaker, for the purpose of making a motion.

The SPEAKER pro tempore. The gentleman may state his motion.

Mr. VITALI. Thank you, Mr. Speaker.

This amendment contains serious questions with regard to sentencing and the appropriateness of the sentencing level. It has been heard by the Transportation Committee but not the Judiciary Committee, which also can lend, I believe, some expertise with regard to the appropriateness of sentencing. Therefore, I would move that this amendment, along with the

entire bill and other amendments, be recommitted to the Judiciary Committee.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, moves that HB 2136 and all amendments be referred to the House Judiciary Committee. Is that your motion, Mr. Vitali? Mr. Vitali, is that what you are asking to move on? Is that your motion, to move the bill and all of its amendments?

Mr. VITALI. That is correct, the bill and all of its amendments to the Judiciary Committee.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

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

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

I would oppose that. We have passed this amendment many, many times in the House. Let us just get about the business and finish our work, and I would ask for a "no" vote on the recommittal.

Thank you.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion. I think the gentleman, Mr. Geist, has done a fine job in forming and putting together this piece of legislation, the bill itself, but this amendment, I think, really does raise serious questions that the Judiciary Committee would do well to look at, and I think the gentleman, Mr. Vitali, is correct that that is where it should go.

I used to have the honor of being the Democratic chairman of Judiciary, and this is the perfect example of a piece of legislation that should come through that committee, but it is being offered to this transportation bill and we understand that, but it would be my recommendation that the Judiciary Committee take a good look at this.

There already is, as the sponsor of the amendment pointed out, a 1-year mandatory for leaving the scene of the accident. To make that 3 years, when I think the gentleman, Mr. Vitali; the gentleman, Mr. Samuelson; and even myself have raised good scenarios where none of us would want to see a 3-year mandatory imposed.

I believe the Judiciary Committee could do a good job with this amendment. I think they could do it relatively quickly, perhaps a week, no longer than 2, and come up with a system by which the 1-year mandatory remains in place but maybe it gives the judge extra leeway in dealing with circumstances beyond that 1 year. For the circumstances that Mr. Samuelson referred to and myself, even a 1-year mandatory I believe is too severe.

We know what we want to get at. We know the problem that should be addressed; that the maker of the amendment wants addressed; that the gentleman, Mr. Corrigan, wants to address, but I think this net is being cast way too broadly and could capture people who are totally innocent of any intent or any wrongdoing. So I would support the gentleman, Mr. Vitali's motion to refer this back to committee and ask the Judiciary Committee to report it out expeditiously back to this House.

Thank you, Mr. Speaker.

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I, too, appreciate the good intentions of the maker of the amendment, but I think we ought to proceed cautiously when we are dealing with more mandatory sentences. Referring this bill and amendment back to the Judiciary Committee will give us a chance to further explore these issues.

I think we also should know that as chairman of the Pennsylvania Commission on Sentencing, we have just gone through changes in our sentencing guidelines and have enhanced guideline penalties for many of these offenses; I believe this is one. This will also give us an opportunity to review the guidelines to see if they take into consideration the aggravating circumstances here, give the judges the tool to aggravate a sentence, to enhance the sentence if there are egregious circumstances, but also not tie that judge's hands with a mandatory sentence.

This opportunity I think would only serve to improve this bill and also preserve the good intentions of the maker of the amendment and the bill. So I would also ask for this bill to be recommitted to the Judiciary Committee.

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

Mr. CORRIGAN. Thank you, Mr. Speaker.

I do not think the people in Hollywood could devise those kinds of circumstances that we have heard today: 10-car pileup, grandmother in the back of the 10-car pileup being charged and sentenced to 3 years in prison. I think reasonable people would have to bring those charges and convict that grandmother. And I think going back to the Judiciary Committee would set up another case of Hollywood-type circumstances, rather than address this problem as it is.

People are involved in very serious accidents. In my district where one young boy, age 8 years old, was thrown 150 feet to his death by a drunk driver who left the scene and returned when she was sober, that is the kind of thing that we are addressing here today.

This amendment is straightforward. The circumstances that you have heard from a number of people probably could happen. Is it realistic? I seriously doubt it.

I would recommend that we vote on this amendment today and we do not table this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I am totally against recommitment. In October of this year when we were in session, I received a call that my 12-year-old son had been hit by a SUV (sport-utility vehicle) on his way home from school. He got off the school bus and he was crossing the street, and as he was crossing the street, a white SUV backed over his foot. The woman in the SUV took off immediately. It is a good thing he had sense enough when he was lying on the ground to take a look at the license number and give the police the license number, and upon checking the license that was attached to that vehicle, it was not the tag that should have been registered to the white SUV. I have a problem with that because my child, because of this individual's negligence, could have been killed. She did not even have the decency – and I know she knew she ran over a child – to come back and find out if he was okay. It was people that were outside when he got off the school bus that asked him did he need to be taken to the hospital, and he

was taken to Chestnut Hill Hospital and went through the x-rays, and we have since gone to other doctors and thank God he is okay.

This is a classic case of people not caring. If they hit someone, they do not care. It is a point that they would rather leave the victim lying in the street than to come back and find out if this was okay, and this was not an adult. This is a child that this happened to.

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

Mr. KENNEY. Thank you, Mr. Speaker.

And I could not say it any better than the previous speaker. This is about victims. The reason I am on the floor today is for Peter Roberto, a 12-year-old, killed last Thanksgiving. The driver of that vehicle backs up, looks at the child, and takes off, and that child dies. It is about people dying. They are talking about these hit and runs as if they are nothing. People are dying. They are killing them and there is no response, and the law says you have a duty and a responsibility, and when you take off and leave someone die in the street, there should be an increased penalty and we should address the loophole that Mr. Corrigan addressed, to match it up with the DUI statute.

This legislation has been passed by the Transportation Committee on numerous occasions. It is a Title 75 bill. That is who has worked on this language, and they have done a great job, as Chairman Blaum had given credit to Chairman Geist, and I want to thank their staff for doing a good job. Representative Corrigan had the amendment prior, last session; it passed unanimously.

So I ask members to be consistent and oppose this recommitment.

## GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair interrupts the proceedings for just a moment to introduce some guests who are here as the guests of Representatives Elinor Taylor and Tom Killion. It is the Penn Wood Elementary School. They are seated in the balcony. Young people, we welcome you to Harrisburg.

## CONSIDERATION OF HB 2136 CONTINUED

The SPEAKER pro tempore. At this time the Chair recognizes for the second time Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

With no disrespect to the previous several speakers, what we have before us is a motion to recommit to the Judiciary Committee and for the purpose of making this bill better. No one here disagrees with the goals of the prime sponsor of the amendment that we need to disincentivize fleeing the scene of the accident. That is not what this vote here is about. We all agree to that. What this vote is about is, should we put this amendment into the expertise of the Judiciary Committee so they can improve it, they can make it fairer, they can make it fit better with the individual circumstances that are going to come up?

Representative Geist made the point, we have passed this three times already. Think about this: One definition of "insanity" is doing the same thing again and again and expecting a different result. Maybe there is a reason why we

have had to pass it three times. Maybe the Senate is telling us something. Maybe we need to do something a little different. Maybe it is not here in its most perfect form. Maybe there are some adjustments we can deal with, and maybe if we make those adjustments, the child of Representative Youngblood, the constituent of Representative Corrigan, and other examples cited, maybe their cases finally can be dealt with better, instead of trying yet again the perhaps insane action of passing the same bill that the Senate is going to reject yet again.

So let us try to really help those victims by getting it better this time and voting "yes" on recommitting this to the Judiciary Committee. Thank you.

The SPEAKER pro tempore. The Chair would remind Mr. Vitali that he has had several amendments over the years passed more than three times and would want to caution himself on that description.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Just for the sake of argument, that last comment, Mr. Speaker, was totally inappropriate on this floor.

I rise to support the gentleman's motion to recommit. I believe the maker of the amendment makes the case for recommitment. Anyone who would kill somebody with a vehicle, take off, come back when they are sober, 3 years is not enough, but we can all, we can all think of situations, real-life situations, where 2 years is too many.

I think the Judiciary Committee is the place to send this; encourage them to get it back to us in a week or two. You can keep the 1-year mandatory and give the judge then flexibility to go up to 10 years if you want, but in the cases that are cited by the proponents of the bill, 3 years is not enough. But what we are going to do, I believe, is snare very innocent people into this legislation, and I think recommitment is the right thing to do, and I urge the members for an affirmative vote.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—79

Belardi	Frankel	Mann	Shapiro
Belfanti	Freeman	McCall	Sipthoth
Benninghoff	George	Mundy	Staback
Bianucci	Gerber	Myers	Stairs
Bishop	Gergely	Pallone	Stetler
Blackwell	Goodman	Parker	Sturla
Blaum	Grucela	Petrarca	Surra
Butkovitz	Gruitza	Petrone	Tangretti
Buxton	Haluska	Pistella	Thomas
Caltagirone	Harhai	Preston	Tigue
Cawley	Hennessey	Ramaley	Veon
Cohen	James	Readshaw	Vitali
Costa	Josephs	Roberts	Walko
Curry	Kirkland	Roebuck	Wansacz
Denlinger	Kotik	Rooney	Waters
Dermody	LaGrotta	Ruffing	Wheatley
DeWeese	Leach	Sainato	Williams
Eachus	Lescovitz	Samuelson	Wojnarowski
Evans, D.	Levdansky	Santoni	Yudichak
Fabrizio	Manderino	Schroder	

## NAYS—114

Adolph	Fichter	Maher	Raymond
Allen	Fleagle	Maitland	Reed
Argall	Flick	Major	Reichley
Armstrong	Forcier	Markosek	Rohrer
Baker	Gabig	Marsico	Ross
Baldwin	Gannon	McGeehan	Rubley
Barrar	Geist	McGill	Sather
Bastian	Gillespie	McIlhattan	Saylor
Bebko-Jones	Gingrich	McIlhinney	Scavello
Beyer	Godshall	McNaughton	Semmel
Birmelin	Good	Melio	Smith, B.
Boyd	Grell	Metcalfe	Smith, S. H.
Cappelli	Hanna	Micozzie	Solobay
Casorio	Harhart	Millard	Sonney
Causar	Harper	Miller, R.	Steil
Civera	Harris	Miller, S.	Stern
Clymer	Hasay	Mustio	Stevenson, R.
Cornell	Herman	Nailor	Stevenson, T.
Corrigan	Hershey	Nickol	Taylor, J.
Crahalla	Hess	O'Brien	True
Creighton	Hickernell	Oliver	Turzai
Cruz	Hutchinson	O'Neill	Watson
DiGirolo	Kauffman	Payne	Wilt
Diven	Keller, M.	Petri	Wright
Donatucci	Kenney	Phillips	Youngblood
Ellis	Killion	Pickett	Zug
Evans, J.	Lederer	Pyle	
Fairchild	Leh	Quigley	Perzel,
Feese	Mackereth	Rapp	Speaker

## NOT VOTING—0

## EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. We are back on consideration of this amendment, amendment No. 1181. Are there any members that wish to speak at this time? I am sorry. I stand corrected. The amendment is No. 4712.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—157

Adolph	Fleagle	Mann	Ruffing
Allen	Flick	Markosek	Sainato
Argall	Frankel	Marsico	Sather
Armstrong	Freeman	McCall	Saylor
Baker	Gabig	McGeehan	Scavello
Baldwin	Gannon	McGill	Schroder
Barrar	Geist	McIlhattan	Semmel
Bastian	George	McIlhinney	Shapiro
Bebko-Jones	Gerber	McNaughton	Sipthoth
Belardi	Gergely	Melio	Smith, B.
Belfanti	Gingrich	Metcalfe	Smith, S. H.

Beyer	Good	Micozzie	Solobay
Biancucci	Goodman	Millard	Sonney
Birmelin	Grell	Miller, S.	Staback
Bishop	Grucela	Mustio	Stairs
Boyd	Gruitza	Myers	Steil
Butkovitz	Harhai	Nailor	Stern
Buxton	Harhart	O'Brien	Stetler
Cappelli	Harper	Oliver	Stevenson, R.
Casorio	Harris	O'Neill	Stevenson, T.
Causer	Herman	Pallone	Surra
Cawley	Hershey	Parker	Tangretti
Civera	Hess	Payne	Taylor, J.
Clymer	Hickernell	Petrarca	Thomas
Cornell	Hutchinson	Petri	Tigue
Corrigan	James	Petrone	True
Costa	Kauffman	Phillips	Turzai
Crahalla	Keller, M.	Pickett	Wansacz
Cruz	Kenney	Pistella	Waters
DiGirolamo	Killion	Preston	Watson
Diven	Kirkland	Pyle	Wilt
Donatucci	Kotik	Quigley	Wojnaroski
Eachus	Leach	Ramaley	Wright
Ellis	Lederer	Rapp	Youngblood
Evans, D.	Leh	Raymond	Yudichak
Evans, J.	Lescovitz	Reed	Zug
Fabrizio	Levdansky	Reichley	
Fairchild	Maher	Rooney	
Feese	Maitland	Ross	Perzel,
Fichter	Major	Rubley	Speaker

NAYS—36

Benninghoff	DeWeese	LaGrotta	Rohrer
Blackwell	Forcier	Mackereth	Samuelson
Blaum	Gillespie	Manderino	Santoni
Caltagirone	Godshall	Miller, R.	Sturla
Cohen	Haluska	Mundy	Veon
Creighton	Hanna	Nickol	Vitali
Curry	Hasay	Readshaw	Walko
Denlinger	Hennessey	Roberts	Wheatley
Dermody	Josephs	Roebuck	Williams

NOT VOTING—0

EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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. **A04486**:

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 3742(b) of Title 75 is amended and the section is amended by adding subsections to read:

Amend Sec. 2, page 3, line 7, by striking out "2" and inserting  
3

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

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

Mr. **SIPTROTH**. Thank you, Mr. Speaker.

Mr. Speaker, this is the identical piece of legislation that was attached to HB 804 which unanimously passed yesterday. I would appreciate it if the members would again vote unanimously to support this amendment.

Thank you.

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

The following roll call was recorded:

YEAS—193

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

Fabrizio	Levdansky	Rohrer	
Fairchild	Mackereth	Rooney	Perzel,
Feese	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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. **SURRA** offered the following amendment No. **A04537**:

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

and for restrictions on highway and bridge use.

Amend Bill, page 3, by inserting between lines 6 and 7

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 3, line 7, by striking out “2” and inserting  
3

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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

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

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

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

The following roll call was recorded:

YEAS—190

Adolph	Fichter	Maier	Ross
Allen	Fleagle	Maitland	Rubley
Argall	Flick	Major	Ruffing
Armstrong	Forcier	Mann	Sainato
Baker	Frankel	Markosek	Samuelson
Baldwin	Freeman	Marsico	Santoni
Barrar	Gabig	McCall	Sather
Bastian	Gannon	McGeehan	Saylor
Bebko-Jones	Geist	McGill	Scavello



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

**NAYS-3**

Dermody	Manderino	Vitali
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**NOT VOTING-0**

**EXCUSED-10**

Bunt	DeLuca	Rieger	Taylor, E. Z.
Daley	Habay	Shaner	Yewcic
Dally	Keller, W.		

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.

**REPUBLICAN CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Civera, for the purpose of a caucus announcement.

Mr. CIVERA. Thank you, Mr. Speaker.

At the call of the recess, the Republican Caucus will meet for an informal caucus and a formal caucus will be at 12:45.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**DEMOCRATIC CAUCUS**

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

Mr. COHEN. Thank you.

Mr. Speaker, immediately at the call of the recess, there will be a Democratic caucus to go over bills on today and tomorrow's calendar that we have not yet had the opportunity to caucus on.

The SPEAKER pro tempore. Members need to know that we will be back on the floor at 2 this afternoon.

**RECESS**

The SPEAKER pro tempore. Are there any other announcements?

Seeing none, this House now stands in recess until 2 p.m.

**AFTER RECESS**

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

**LEAVE OF ABSENCE**

The SPEAKER pro tempore. The majority whip requests that the lady, Mrs. BEYER, be placed on leave for the remainder of the day. Without objection, the leave is granted.

**BILL REREPORTED FROM COMMITTEE**

**HB 1294, PN 3233** (Amended) By Rep. FLICK

An Act providing for notice of motor vehicle event data recorders and for information retrieval; imposing penalties; and providing for evidentiary rules.

**CONSUMER AFFAIRS.**

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

**HB 1485, PN 1803** By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for flags on grave markers of certain deceased service persons.

**LOCAL GOVERNMENT.**

**HB 1486, PN 3231** (Amended) By Rep. HERMAN

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for markers on graves and for flags to decorate graves.

**LOCAL GOVERNMENT.**

**HB 1487, PN 3232** (Amended) By Rep. HERMAN

An Act amending the act of June 11, 1935 (P.L.326, No.149), entitled "An act relating to counties of the first class; defining deceased

service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further providing for flags, markers and headstones.

LOCAL GOVERNMENT.

**HB 2001, PN 3234** (Amended) By Rep. FLICK

An Act prohibiting price gouging; providing for preemption of municipal laws and ordinances; and imposing penalties.

CONSUMER AFFAIRS.

**HB 2223, PN 3235** (Amended) By Rep. FLICK

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary dispute resolution process, for best efforts and for removal or tampering with a marking; further providing for expiration; and repealing provisions of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law.

CONSUMER AFFAIRS.

**SB 640, PN 1407** (Amended) By Rep. LEH

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for donation of property in lieu of taxes; further providing for claims for taxes, water rents or rates and lighting, power and sewer rates and for contents of claims; and providing for a public record of all properties against which taxes were levied and remain unpaid.

FINANCE.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to requests for leave and recognizes the minority leader, who asks for the gentleman, Mr. DONATUCCI, to be placed on leave for the remainder of the day. Without objection, the leave is granted.

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

**HB 2282, PN 3194** By Rep. SEMMEL

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.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 2296, PN 3210**

By Rep. SEMMEL

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

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**SB 869, PN 1406** (Amended)

By Rep. SEMMEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for extension of health insurance benefits for certain military personnel who were full-time students at time of deployment.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 446, PN 2746**

By Rep. SEMMEL

A Resolution urging the President and the Congress of the United States to direct the Base Realignment and Closure Commission to designate strategic unused military bases in each region of the United States to be given to the Federal Emergency Management Agency's (FEMA's) jurisdiction to be maintained and used in an emergency such as Hurricane Katrina which displaces large numbers of people.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**CALENDAR CONTINUED**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. PERZEL called up **HR 527, PN 3189**, entitled:

A Resolution recognizing the lack of due process in the 1876-1878 trials of several alleged members of the Molly Maguires and memorializing the Governor to issue an order acknowledging the same.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

Blackwell	Grell	Miller, R.	Sonney
Blaum	Grucela	Miller, S.	Staback
Boyd	Gruitza	Mundy	Stairs
Butkovitz	Haluska	Mustio	Steil
Buxton	Hanna	Myers	Stern
Caltagirone	Harhai	Nailor	Stetler
Cappelli	Harhart	Nickol	Stevenson, R.
Casorio	Harper	O'Brien	Stevenson, T.
Causer	Harris	Oliver	Sturla
Cawley	Hasay	O'Neill	Surra
Civera	Hennessey	Pallone	Tangretti
Clymer	Herman	Parker	Taylor, J.
Cohen	Hershey	Payne	Thomas
Cornell	Hess	Petrarca	Tigue
Corrigan	Hickernell	Petri	True
Costa	Hutchinson	Petrone	Turzai
Crahalla	James	Phillips	Veon
Creighton	Josephs	Pickett	Vitali
Cruz	Kauffman	Pistella	Walko
Curry	Keller, M.	Preston	Wansacz
Denlinger	Kenney	Pyle	Waters
Dermody	Killion	Quigley	Watson
DeWeese	Kirkland	Ramaley	Wheatley
DiGiroloamo	Kotik	Rapp	Williams
Diven	LaGrotta	Raymond	Wilt
Eachus	Leach	Readshaw	Wojnarowski
Ellis	Lederer	Reed	Wright
Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

\* \* \*

Mrs. RUBLEY called up **HR 530, PN 3204**, entitled:

A Resolution recognizing the 100th anniversary of the passage of the Purity of Waters Act.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-191

Adolph	Flick	Major	Rubley
Allen	Forcier	Manderino	Ruffing
Argall	Frankel	Mann	Sainato
Armstrong	Freeman	Markosek	Samuelson
Baker	Gabig	Marsico	Santoni
Baldwin	Gannon	McCall	Sather
Barrar	Geist	McGeehan	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

\* \* \*

Mr. ZUG called up **HR 531, PN 3205**, entitled:

A Resolution congratulating Cardinal William H. Keeler on the 50th anniversary of his ordination to the priesthood.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—191

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

## SUPPLEMENTAL CALENDAR A

## RESOLUTION PURSUANT TO RULE 35

Mr. SHAPIRO called up **HR 532, PN 3219**, entitled:

A Resolution designating the week of January 22 through 28, 2006, as "Long QT Syndrome Awareness Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—191

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

## NAYS—0

## NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 712, PN 1272**, entitled:

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.

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

Mr. **BAKER** offered the following amendment No. **A04755**:

- Amend Sec. 2, page 1, line 14, by inserting after “that”  
materially
- Amend Sec. 2, page 2, line 26, by striking out “or telephonic”
- Amend Sec. 2, page 2, line 27, by striking out “or telephone number”
- Amend Sec. 2, page 2, by inserting between lines 27 and 28  
(2) Telephonic notice if the customer can be reasonably expected to receive it and the notice is given in a clear and conspicuous manner, describes the incident in general terms and verifies personal information but does not require the customer to provide personal information and the customer is provided with a telephone number to call or Internet website to visit for further information or assistance.
- Amend Sec. 2, page 2, line 28, by striking out “(2)” and inserting  
(3)
- Amend Sec. 2, page 3, line 1, by striking out “(3)” and inserting  
(4)
- Amend Sec. 2, page 3, line 4, by striking out “\$250,000” and inserting  
\$100,000
- Amend Sec. 2, page 3, line 6, by striking out “500,000” and inserting  
175,000
- Amend Sec. 3, page 4, line 18, by striking out “Disclosure of computerized data” and inserting  
Notification of breach
- Amend Sec. 3, page 4, lines 19 through 21, by striking out “, or a vendor on behalf of” in line 19, all of line 20 and “licenses” in line 21 and inserting  
that maintains, stores or manages
- Amend Sec. 3, page 4, line 22, by striking out “disclose” and inserting  
provide notice of
- Amend Sec. 3, page 4, line 23, by striking out “or notification”
- Amend Sec. 3, page 4, line 27, by striking out “5” and inserting  
4
- Amend Sec. 3, page 4, line 30, by striking out “disclosure” and inserting  
notice

Amend Sec. 3, page 4, line 30, by inserting after “delay.”  
For the purpose of this section, a resident of this Commonwealth may be determined to be an individual whose principal mailing address, as reflected in the computerized data which is maintained, stored or managed by the entity, is in this Commonwealth.

Amend Sec. 3, page 5, line 1, by striking out “disclose” and inserting

provide notice of

Amend Sec. 3, page 5, by inserting between lines 5 and 6

(c) Vendor notification.—A vendor that maintains, stores or manages computerized data on behalf of another entity shall provide notice of any breach of the security system following discovery by the vendor to the entity on whose behalf the vendor maintains, stores or manages the data. The entity shall be responsible for making the determinations and discharging any remaining duties under this act.

Amend Sec. 4, page 5, lines 6 through 13, by striking out all of said lines

Amend Sec. 5, page 5, line 14, by striking out “5” and inserting  
4

Amend Sec. 6, page 5, line 22, by striking out “6” and inserting  
5

Amend Sec. 7, page 5, line 30, by striking out “7” and inserting  
6

Amend Sec. 8, page 6, line 7, by striking out “8” and inserting  
7

Amend Sec. 9, page 6, line 27, by striking out “9” and inserting  
8

Amend Sec. 9, page 6, line 28, by striking out “willful and knowing”

Amend Sec. 10, page 7, line 5, by striking out “10” and inserting  
29

Amend Sec. 11, page 7, line 9, by striking out “11” and inserting  
30

Amend Sec. 11, page 7, line 10, by striking out “60” and inserting  
180

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

The following roll call was recorded:

YEAS—191

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

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-191

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

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

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

\* \* \*

The House proceeded to third consideration of **HB 2216, PN 3090**, entitled:

An Act providing for State funding for the Low Income Home Energy Assistance Program.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The gentleman, Mr. George, is recognized. Mr. George, you have been recognized.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, we are now on the Allen bill?

The SPEAKER pro tempore. That is correct.

Mr. GEORGE. And, Mr. Speaker, I have two amendments, and, sir, they both deal with LIHEAP (Low-Income Home Energy Assistance Program). And there is absolutely nothing wrong with this bill with the exception that the amount of money that will be put into it will come from the General Fund, and I had two amendments to take it as 1539 did. So I am going to ask everyone to support Mr. Allen's bill, but I am going to say publicly that I have been assured that next week when we come back, God willing, we will run that 1539 with the \$21 million in for LIHEAP, and I give the Speaker and all concerned credit for wanting to help the people with a matter that is very concernable. That is the funding mechanism needed to keep our citizens warm this year.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

We are on final passage of HB 2216. There are no amendments.

The gentleman, Mr. Allen, is recognized.

Mr. ALLEN. Thank you, Mr. Speaker.

I want to thank the gentleman, Mr. George, from Clearfield for his withdrawal of the amendments. I know that he and I have the same goal at hand, to make sure that the elderly citizens of this Commonwealth and the poor citizens of this Commonwealth get funding for their fuel for this year, and I thank him for withdrawing the amendment and urge unanimous passage of this bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

Adolph	Flick	Major	Rubleby
Allen	Forcier	Manderino	Ruffing
Argall	Frankel	Mann	Sainato
Armstrong	Freeman	Markosek	Samuelson
Baker	Gabig	Marsico	Santoni
Baldwin	Gannon	McCall	Sather
Barrar	Geist	McGeehan	Saylor
Bastian	George	McGill	Scavello
Bebko-Jones	Gerber	McIlhattan	Schroder
Belardi	Gergely	McIlhinney	Semmel
Belfanti	Gillespie	McNaughton	Shapiro
Benninghoff	Gingrich	Melio	Siptroth
Biancucci	Godshall	Metcalfe	Smith, B.
Birmelin	Good	Micozzie	Smith, S. H.
Bishop	Goodman	Millard	Solobay

Blackwell	Grell	Miller, R.	Sonney
Blaum	Grucela	Miller, S.	Staback
Boyd	Gruitza	Mundy	Stairs
Butkovitz	Haluska	Mustio	Steil
Buxton	Hanna	Myers	Stern
Caltagirone	Harhai	Nailor	Stetler
Cappelli	Harhart	Nickol	Stevenson, R.
Casorio	Harper	O'Brien	Stevenson, T.
Causar	Harris	Oliver	Sturla
Cawley	Hasay	O'Neill	Surra
Civera	Hennessey	Pallone	Tangretti
Clymer	Herman	Parker	Taylor, J.
Cohen	Hershey	Payne	Thomas
Cornell	Hess	Petrarca	Tigue
Corrigan	Hickernell	Petri	True
Costa	Hutchinson	Petrone	Turzai
Crahalla	James	Phillips	Veon
Creighton	Josephs	Pickett	Vitali
Cruz	Kauffman	Pistella	Walko
Curry	Keller, M.	Preston	Wansacz
Denlinger	Kenney	Pyle	Waters
Dermody	Killion	Quigley	Watson
DeWeese	Kirkland	Ramaley	Wheatley
DiGirolamo	Kotik	Rapp	Williams
Diven	LaGrotta	Raymond	Wilt
Eachus	Leach	Readshaw	Wojnarowski
Ellis	Lederer	Reed	Wright
Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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 1607, PN 2738**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. **LaGROTTA** offered the following amendment No. **A04714**:

Amend Title, page 1, lines 10 and 11, by striking out "further providing for" in line 10 and all of line 11 and inserting

further providing for schedules of controlled substances, for professional prescription, administration and dispensing, for prohibited acts and penalties involving ephedrine, pseudoephedrine and marijuana and for effect on local ordinances.

Amend Bill, page 1, lines 14 through 21; page 2, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. Section 4(5) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, amended July 3, 1985 (P.L.138, No.39), is amended and the section is amended by adding clauses to read:

Section 4. Schedules of Controlled Substances.—The following schedules include the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

\* \* \*

(5) Schedule V—In determining that a substance comes within this schedule, the secretary shall find: a low potential for abuse relative to the substances listed in Schedule IV; currently accepted medical use in the United States; and limited physical dependence and/or psychological dependence liability relative to the substances listed in Schedule IV. The following controlled substances are included in this schedule:

(i) Any compound, mixture, or preparation containing limited quantities of any of the following narcotics or any of their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic alone:

1. Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliter or per 100 grams and not more than 10 milligrams per dosage unit.

2. Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

3. Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

4. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit.

6. Any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers, except for:

(I) pediatric products in liquid form that are labeled pursuant to Federal regulation as primarily intended for administration to children under 12 years of age according to label instructions and according to label instructions do not exceed 15 milligrams of ephedrine per 5 milliliters of liquid product; or

(II) any compound, mixture or preparation in liquid, liquid capsule or liquid gel capsule form if ephedrine is not the only active ingredient.

7. Any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers, except for:

(I) pediatric products in liquid form that are labeled pursuant to Federal regulations as primarily intended for administration to children under 12 years of age according to label instructions and according to label instructions do not exceed 15 milligrams of pseudoephedrine per 5 milliliters of liquid product; or

(II) any compound, mixture or preparation in liquid, liquid capsule or liquid gel capsule form if pseudoephedrine is not the only active ingredient.

(ii) Buprenorphine.

Section 2. Section 11 of the act is amended by adding subsections to read:

Section 11. Professional Prescription, Administration, and Dispensing.—\* \* \*

(c.1) The substances described in section 4(5)(i)(6) and (7) shall be dispensed, sold or distributed only in a pharmacy and the following shall apply:

(1) The substances may be dispensed, sold or distributed only by a licensed pharmacist or licensed pharmacy technician.

(2) The substances may not be dispensed, sold or distributed to any person under 18 years of age.

(3) Any person purchasing, receiving or otherwise acquiring any of the substances shall:

(i) produce a government-issued photo identification showing the date of birth of the person; and

(ii) sign a written log or receipt showing the date of the transaction, the name of the person and the name and amount of the substance purchased, received or otherwise acquired.

(4) No person shall purchase, receive or otherwise acquire more than 7.5 grams of the substances within any 30-day period.

(5) No licensed pharmacist or licensed pharmacy technician shall dispense, sell or distribute more than 7.5 grams of the substances to a single purchaser within any 30-day period.

(6) The limits described in paragraphs (4) and (5) shall not apply to any quantity of the substances dispensed under a valid prescription.

(7) The substances described in section 4(5)(i)(6)(II) and (7)(II) may be dispensed, sold or distributed in a pharmacy and shall be subject to the requirements of this subsection when dispensed, sold or distributed in a pharmacy.

(8) The secretary, upon application of a manufacturer of a drug product, may exempt a product from section 4(5)(i)(6) and (7) if the secretary determines that the product has been formulated in such a way as to prevent effectively the conversion of the active ingredient into methamphetamine.

(c.2) The substances described in section 4(5)(i)(6)(II) and (7)(II) may be dispensed, sold or distributed at a nonpharmacy retail outlet and the following shall apply:

(1) The substances must be kept in a locked case or behind a counter not accessible to the public.

(2) The substances may not be dispensed, sold or distributed to any person under 18 years of age.

(3) Any person purchasing, receiving or otherwise acquiring any of the substances shall:

(i) produce a government-issued photo identification showing the date of birth of the person; and

(ii) sign a written log or receipt showing the date of the transaction, the name of the person and the name and the amount of the substance purchased, received or otherwise acquired.

(4) No person shall purchase, receive or otherwise acquire more than 360 milligrams of the substances within any 24-hour period.

(5) No nonpharmacy retail outlet shall dispense, sell or distribute more than 360 milligrams of the substances to a single purchaser within any 24-hour period.

(6) No person shall purchase, receive or otherwise acquire more than 7.5 grams of the substances within any 30-day period.

(7) No nonpharmacy retail outlet shall dispense, sell or distribute more than 7.5 grams of the substances to a single purchaser within any 30-day period.

(8) The secretary, upon application of a manufacturer of a drug product, may exempt the product from section 4(5)(i)(6) and (7) if the secretary determines that the product has been formulated in such a way as to prevent effectively the conversion of the active ingredient into methamphetamine.

Section 3. Section 13(a) and (f) are amended by adding clauses and the section is amended by adding a subsection to read:

Section 13. Prohibited Acts; Penalties.—(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

\* \* \*

(39) The knowing or intentional dispensing, sale or distribution of a substance in violation of section 11(c.1) or (c.2).



(40) The knowing or intentional entry of false information in the log required under section 11(c.1)(3)(ii) or (c.2)(3)(ii).

\* \* \*

(f) Any person who violates clause (12), (14) or (30) of subsection (a) with respect to:

\* \* \*

(1.2) Marijuana, where the amount of marijuana involved is at least two (2) pounds but not in excess of one thousand (1,000) pounds, or at least ten (10) live plants, is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding seven years, or to pay a fine not exceeding fifteen thousand dollars (\$15,000), or both, or a larger amount as is sufficient to exhaust the assets utilized in and the profits obtained from the illegal manufacture or distribution of this substance.

\* \* \*

(q) Any person who violates subsection (a)(39) or (40) is guilty of a misdemeanor of the first degree and, upon conviction thereof, shall be sentenced to imprisonment not exceeding five years or to pay a fine not exceeding ten thousand dollars (\$10,000), or both.

Section 4. Section 13.1 of the act, added July 15, 2004 (P.L.729, No.84), is amended to read:

Section 13.1. Liquefied Ammonia Gas; Precursors and Chemicals.—(a) The following acts are prohibited:

(1) Possessing or transporting liquefied ammonia gas:

(i) for any purpose other than legitimate agricultural or industrial use; or

(ii) in a container not approved by the Department of Agriculture or the Department of Transportation or both.

(2) Possessing or transporting liquefied ammonia gas with intent to manufacture a controlled substance.

(3) Possessing red phosphorous, hypophosphoric acid, ammonium sulfate, phosphorous, iodine, hydriodic acid, ephedrine, pseudoephedrine, lithium, sodium, potassium, sassafras oil, safrole oil or other oil containing safrole or equivalent, whether in powder or liquid form, with intent to manufacture a controlled substance.

(4) Possessing or transporting in a vehicle a substance containing any detectable quantity of ephedrine, its salts or optical isomers or salts of optical isomers, or any detectable quantity of pseudoephedrine, its salts or optical isomers or salts or optical isomers, with knowledge or intent that the substance will be used to manufacture a controlled substance.

(b) A person who violates subsection (a)(1) commits a misdemeanor and upon conviction shall be sentenced to imprisonment not exceeding five years and to pay a fine not exceeding ten thousand dollars (\$10,000).

(c) A person who violates subsection (a)(2) or (3) commits a felony and upon conviction shall be sentenced to imprisonment not exceeding seven years and to pay a fine not exceeding fifteen thousand dollars (\$15,000).

(d) A person who violates subsection (a)(4) commits a felony of the second degree and upon conviction shall be sentenced to imprisonment not exceeding ten years or to pay a fine not exceeding twenty five thousand dollars (\$25,000) or both.

Section 5. Section 41.1 of the act, added December 4, 1980 (P.L.1093, No.186), is amended to read:

Section 41.1. Effect on Local Ordinances.—(a) Nothing in this act relating to drug paraphernalia shall be deemed to supersede or invalidate any consistent local ordinance, including zoning and nuisance ordinances, relating to the possession, sale or use of drug paraphernalia.

(b) The provisions of section 11(c.1) and (c.2) shall preempt any inconsistent local ordinance, including zoning and nuisance ordinances, relating to the disbursement, sale or distribution of ephedrine or pseudoephedrine.

Section 6. This act shall take effect in 60 days.

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

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

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, the language in this amendment very clearly is designed to make the availability of methamphetamine much less in the Commonwealth of Pennsylvania. It is important to note that 37 other States in this country have already passed similar legislation to this. At a hearing that we held several weeks ago in my district, the Pennsylvania State Police strongly endorsed this language, and I ask every member of the House who is interested in removing or taking this dangerous drug, methamphetamines, off our streets to vote in favor of this amendment.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

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

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

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

The following roll call was recorded:

## YEAS—191

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

Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

## NAYS—0

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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 1784, PN 2322**, entitled:

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."

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

Mr. **GRUCELA** offered the following amendment No. **A04693**:

Amend Title, page 1, line 3, by inserting after "providing"  
, in registration of sexual offenders,

Amend Title, page 1, lines 3 and 4, by striking out "and for the definition of" in line 3, all of line 4 and inserting  
, for information made available on the Internet,  
and for the definition of "other specified offense"  
in DNA data and testing.

Bill, page 2, by inserting between lines 2 and 3

Section 2. Section 9798.1(c)(2) of Title 42, added November 24, 2004 (P.L.1243, No.152), is amended to read:

§ 9798.1. Information made available on the Internet.

\* \* \*

(c) Information permitted to be disclosed regarding individuals.—Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history information), the Internet website shall contain the following information on each individual:

\* \* \*

(2) For all other lifetime registrants and offenders subject to registration only the [following] same information as specified under paragraph (1) shall be posted on the Internet website.:

(i) name and any aliases;

(ii) year of birth;

(iii) the city, county and zip code of all residences;

- (iv) the city, county and zip code of any institution or location at which the person is enrolled as a student;
- (v) the city, county and zip code of any employment location;
- (vi) a photograph of the offender, which shall be updated not less than annually;
- (vii) a description of the offense or offenses which triggered the application of this subchapter; and
- (viii) the date of the offense and conviction, if available.]

\* \* \*

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

Amend Sec. 3, page 2, line 15, by striking out “3” and inserting  
4

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

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

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

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

The following roll call was recorded:

YEAS—191

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

Eachus	Leach	Readshaw	Wojnaroski
Ellis	Lederer	Reed	Wright
Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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 1641, PN 2026**, entitled:

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.

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

Mr. **SURRA** offered the following amendment No. **A03239**:

Amend Sec. 2 (Sec. 5332), page 4, line 8, by striking out “the” where it appears the fourth time and inserting

a bill is mailed or otherwise provided to a customer for a completed

Amend Sec. 2 (Sec. 5332), page 4, line 9, by striking out “the” and inserting

<sup>a</sup>  
Amend Sec. 2 (Sec. 5332), page 4, line 10, by striking out “was completed”

Amend Sec. 2 (Sec. 5338), page 6, line 29, by inserting after “commission),”

but at least 30 days after notice is sent to the commission under section 5335(2) (relating to notice for boats and related equipment),

Amend Sec. 3 (Sec. 1175), page 14, line 29, by inserting after “department),”

but at least 30 days after notice is sent to the department under section 1173(2) (relating to notice),

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

The following roll call was recorded:

YEAS-191

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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?

Mrs. **BEYER** offered the following amendment No. **A04140**:

Amend Sec. 2 (Subchapter Analysis), page 2, line 22, by striking out all of said line and inserting

5346. Construction.

5347. Rules and regulations.

Amend Sec. 2, page 11, by inserting between lines 18 and 19

§ 5346. Construction.

Nothing in this subchapter shall be construed to authorize a marine business to transfer any right, title or interest in a boat, any related equipment or watercraft trailer in violation of section 307 of the Servicemembers Civil Relief Act (Public Law 108-89, 50 App. U.S.C. § 537) or 51 Pa.C.S § 4105 (relating to exemption from civil process).

Amend Sec. 2 (Sec. 5346), page 11, line 19, by striking out “5346” and inserting

5347

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

Feese  
Fichter  
Fleagle

Maher  
Maitland

Rooney  
Ross

Perzel,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer  
Bunt  
Daley

Dally  
DeLuca  
Donatucci

Habay  
Keller, W.  
Rieger

Shaner  
Taylor, E. Z.  
Yewcic

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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 2191**, **PN 3026**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-190

Adolph	Flick	Major	Rubley
Allen	Forcier	Manderino	Ruffing
Argall	Frankel	Mann	Sainato
Armstrong	Freeman	Markosek	Samuelson
Baker	Gabig	Marsico	Santoni
Baldwin	Gannon	McCall	Sather
Barrar	Geist	McGeehan	Saylor
Bastian	George	McGill	Scavello
Bebko-Jones	Gerber	McIlhattan	Schroder
Belardi	Gergely	McIlhinney	Semmel
Belfanti	Gillespie	McNaughton	Shapiro

Benninghoff	Gingrich	Melio	Siptroth
Biancucci	Godshall	Metcalfe	Smith, B.
Birmelin	Good	Micozzie	Smith, S. H.
Bishop	Goodman	Millard	Solobay
Blackwell	Grell	Miller, R.	Sonney
Blaum	Grucela	Miller, S.	Staback
Boyd	Gruitza	Mundy	Stairs
Butkowitz	Haluska	Mustio	Steil
Buxton	Hanna	Myers	Stern
Caltagirone	Harhai	Nailor	Stetler
Cappelli	Harhart	Nickol	Stevenson, R.
Casorio	Harper	O'Brien	Stevenson, T.
Causar	Harris	Oliver	Sturla
Cawley	Hasay	O'Neill	Surra
Civera	Hennessey	Pallone	Tangretti
Clymer	Herman	Parker	Taylor, J.
Cohen	Hershey	Payne	Thomas
Cornell	Hess	Petrarca	Tigue
Corrigan	Hickernell	Petri	True
Costa	Hutchinson	Petrone	Turzai
Creighton	James	Phillips	Veon
Cruz	Josephs	Pickett	Vitali
Curry	Kauffman	Pistella	Walko
Denlinger	Keller, M.	Preston	Wansacz
Dermody	Kenney	Pyle	Waters
DeWeese	Killion	Quigley	Watson
DiGirolamo	Kirkland	Ramaley	Wheatley
Diven	Kotik	Rapp	Williams
Eachus	LaGrotta	Raymond	Wilt
Ellis	Leach	Readshaw	Wojnarowski
Evans, D.	Lederer	Reed	Wright
Evans, J.	Leh	Reichley	Youngblood
Fabrizio	Lescovitz	Roberts	Yudichak
Fairchild	Levdansky	Roebuck	Zug
Feese	Mackereth	Rohrer	
Fichter	Maher	Rooney	Perzel,
Fleagle	Maitland	Ross	Speaker

NAYS-1

Crahalla

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

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

\* \* \*

The House proceeded to third consideration of **SB 596**, **PN 616**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

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

\* \* \*

The House proceeded to third consideration of **HB 1139, PN 1345**, entitled:

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, repealing provisions relating to triennial assessments.

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

Mr. DeLUCA offered the following amendment No. **A01408**:

Amend Title, page 1, line 9, by removing the period after "assessments" and inserting  
; and limiting real property taxes in certain circumstances in counties of the second class and in all political subdivisions in counties of the second class.

Amend Bill, page 1, by inserting between lines 14 and 15

Section 2. The act is amended by adding a section to read:

Section 10.2. (a) In the tax year following a uniform increase in the market or assessed valuations of real properties in a county as a result of an order of any court, each political subdivision including the county, levying real estate taxes on the increased assessed or market valuations shall, if necessary, reduce its tax rate in accordance with subsection (b).

(b) Each political subdivision shall reduce its tax rate, if necessary, for the purpose of having the total amount of taxes levied against the increased valuations of the real properties equal, as nearly as possible, the total amount which the political subdivision levied on such properties the preceding year, notwithstanding the court-ordered, increased valuations of such properties.

(c) For the purpose of determining the total amount of taxes to be levied in accordance with this section, the amount to be levied on newly constructed buildings or structures or on increased valuations based on new improvements made to existing houses shall not be considered. The tax rate shall be fixed at a figure which will accomplish this purpose.

(d) This act shall apply to any county of the second class and all political subdivisions in any county of the second class.

(e) Annually each political subdivision shall certify to the county office of property assessment full compliance with this section. The county office of property assessment shall make all reports of compliance available for public review.

Section 3. The addition of section 10.2 of the act shall be retroactive to any court-ordered, uniform, countywide increase in market or assessed valuations implemented on or after January 1, 2005.

Amend Sec. 2, page 1, line 15, by striking out "2" and inserting

4

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Clerk, strike that vote.

Is the gentleman, Mr. Mustio, up to speak on this amendment?

Mr. MUSTIO. Yes. I guess I have a question.

The SPEAKER pro tempore. Mr. Mustio, whom is your question being directed towards?

Mr. MUSTIO. The Chair.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Mr. Mustio, we have just received word that Mr. DeLuca is withdrawing that amendment.

Mr. MUSTIO. Thank you.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

DeWeese	Kirkland	Ramaley	Wheatley
DiGirolamo	Kotik	Rapp	Williams
Diven	LaGrotta	Raymond	Wilt
Eachus	Leach	Readshaw	Wojnaroski
Ellis	Lederer	Reed	Wright
Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

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

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1057, PN 3103**, entitled:

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

On the question,

Will the House concur in Senate amendments?

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

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—190

Adolph	Fleagle	Maitland	Ross
Allen	Flick	Major	Rubley
Argall	Forcier	Manderino	Ruffing
Armstrong	Frankel	Mann	Sainato
Baker	Freeman	Markosek	Samuelson
Baldwin	Gabig	Marsico	Santoni
Barrar	Gannon	McCall	Sather
Bastian	Geist	McGeehan	Saylor



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

NAYS-1

Thomas

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1993, PN 2734**, entitled:

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

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

Mr. **GEORGE** offered the following amendment No. **A03331**:

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

Section 1. Sections 3116(e)(3) and 9004(e)(4) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 27 and 28 § 9004. Imposition of tax, exemptions and deductions.

\* \* \*

(e) Exceptions.—The tax imposed under subsections (a), (b), (c) and (d) shall not apply to liquid fuels, fuels or alternative fuels:

\* \* \*

(4) Delivered to this Commonwealth, a political subdivision, a volunteer fire company, a volunteer ambulance service, a volunteer rescue squad, a second class county port authority [or], a nonpublic school not operated for profit on presentation of evidence satisfactory to the department[.], or an organization granted tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) and the delivery of services or transportation of individuals by vehicle is determined by the department to be central to the mission of the organization.

\* \* \*

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

The **SPEAKER** pro tempore. Mr. George, are you seeking recognition to speak on your amendment?

Mr. **GEORGE**. Mr. Speaker, this amendment expands the exemption from the liquid fuel tax imposed under Title 75 to include 501(c)(3) nonprofit organizations when the Department of Revenue determines that the delivery of service or the transportation of individuals is central to the mission of the organization. With the time of the skyrocketing fuel prices, this amendment would provide much-deserved relief for organizations like Meals on Wheels or those of our neediest individuals.

I would ask that you support this amendment.

The **SPEAKER** pro tempore. Mr. Geist is recognized.

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

Although the idea is noble, the methodology that is needed to justify the mileage is very, very difficult to keep and administer, and for that reason we would oppose the amendment and would ask for a “no” vote.

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

The following roll call was recorded:

YEAS-86

Bebko-Jones	Frankel	Markosek	Santoni
Belardi	Freeman	McCall	Shapiro
Belfanti	George	McGeehan	Siptroth
Biancucci	Gerber	Melio	Solobay
Bishop	Gergely	Mundy	Staback
Blackwell	Goodman	Myers	Stetler
Blaum	Grucela	Oliver	Sturla
Butkovitz	Gruitza	Pallone	Surra
Buxton	Haluska	Parker	Tangretti

Caltagirone	Hanna	Petrarca	Thomas
Casorio	Harhai	Petrone	Tigue
Cawley	James	Pistella	Veon
Cohen	Josephs	Preston	Vitali
Corrigan	Kirkland	Ramaley	Walko
Costa	Kotik	Readshaw	Wansacz
Cruz	LaGrotta	Roberts	Waters
Curry	Leach	Roebuck	Wheatley
Dermody	Lederer	Rooney	Williams
DeWeese	Lescovitz	Ruffing	Wojnaroski
Eachus	Levdansky	Sainato	Youngblood
Evans, D.	Manderino	Samuelson	Yudichak
Fabrizio	Mann		

## NAYS—105

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

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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?

Mr. **VITALI** offered the following amendment No. **A03407**:

Amend Sec. 1 (Sec. 3116), page 2, lines 20 and 21, by striking out "Nothing in this paragraph shall prevent the" and inserting

The  
Amend Sec. 1 (Sec. 3116), page 2, lines 21 and 22, by striking out "from providing" and inserting  
shall provide

Amend Sec. 1 (Sec. 3116), page 2, line 22, by inserting after  
"public"  
, upon request and at a reasonable cost,

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

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

Mr. VITALI. Thank you, Mr. Speaker.

The issue here involves red light cameras and their usage as a means to increase safety at dangerous intersections, which is a good goal. There was an element of controversy when that bill was passed because those who had concerns with this were concerned about the fact that they could be, in some cases, misused as a moneymaker, gaining much revenue for the companies and the municipalities involved.

Now, what the Geist bill does is something very good, which basically says, nothing in this paragraph shall prevent, well, in this case, Philadelphia, from providing statistical information about fines and moneys collected and so forth. The Geist bill is a good bill that opens up the process by saying Philadelphia can provide this statistical information about the ticketing, the fines, and so forth.

What my amendment does is take that one step further and say that the city of Philadelphia shall, shall provide, upon request, that statistical information about the traffic citations issued, the moneys collected. It basically says that— And the purpose of the amendment, again, is to sort of open up this process, to sort of allow the public and those who keep track of things to be able to inspect this red light camera system to see, in fact, what the revenue side of this is.

To be clear, the Geist bill does not allow the public to get into the personal information of any individual person cited, and therefore, my amendment does not allow the public to get into any individual information provided. It is basically, in a sense, an extension of the open records law, an expansion of the principle of open and accountable government. It simply requires, upon request, the city of Philadelphia to provide this information, to allow public inspection of the revenue side of red light cameras, and I would urge a "yes" vote.

Thank you.

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

Mr. GEIST. Thank you, Mr. Speaker.

Would the gentleman stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he is willing to do so. You may proceed.

Mr. GEIST. Knowing that you are a learned attorney, could you please define "reasonable" in your amendment, what the term means?

Mr. VITALI. Are you referring to "reasonable cost"?

Mr. GEIST. That is correct.

Mr. VITALI. I think "a reasonable cost" would be reflective of the cost it takes to provide this information to the public.

Mr. GEIST. Thank you.

Mr. Speaker, may I be recognized on the amendment?

The SPEAKER pro tempore. The gentleman is in order.

Mr. GEIST. Mr. Speaker, I think that the maker of the amendment was well intentioned in the drafting, but I think there is a very bad flaw in it, and that flaw would be that we would end up charging the Philadelphia Inquirer for information that they should be able to get free, and I do not think that we should be about the business of charging the media for information that should be provided for them, as the intent of the bill is.

So on that basis I would oppose the amendment and ask for a “no” vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

I really am flummoxed, I really am flummoxed by the gentleman’s comments, because I think he just sort of misses the whole point of my amendment, but what basically my amendment does is says that the city of Philadelphia shall, upon request, provide information about red light cameras. It changes the Geist bill that says it is the option of the city of Philadelphia to provide or not provide the information to the Inquirer or to citizens. It changes a “may” to a “shall.” That is the essence of the bill.

I am not sure what red herring has just been raised, and we threw language in there that the city, since they are being compelled to provide this information, could charge something reasonable. I mean, I do not really get the gentleman’s objection. What we are saying is, the city shall provide this information but they have to be reasonable about what they charge. I do not really get the problem. The city of Philadelphia simply could say to the Inquirer, you can have it for free if you want. All we are saying is, you cannot charge anything unreasonable.

I really am a little confused about the gentleman’s comments because I think they are taking the focus off of this. Right now you have a situation where the public, under current law that we passed, the public does not have a right to look at statistical information about red light cameras.

For example, the cameras that are along Roosevelt Boulevard, they have been generating ticket after ticket after ticket after ticket thousands a times a day in a week. We do not really know how much money they are generating, whether it is \$10,000 or \$100,000 or \$1 million. We simply just do not know because the way that legislation was originally drafted, it said, the legislation said, this is private information, and I think that is wrong because I think that should be public information. It is not a State secret. It allows the public, it allows the Inquirer, it allows me and you, it allows the citizens of Pennsylvania to pay our taxes, to examine this, to examine the financial side. That is what this is about. This is about public inspection. It is not about— And what the Geist amendment does is says, the city of Philadelphia, if it wants to, can provide this information, and I say that is not good enough. It is not good enough that the city of Philadelphia can provide this if it wants to. My amendment says, the public is entitled to this and the city of Philadelphia should provide it.

Now, I do not get, I do not get the red herring which was just raised, this whole interrogation about “reasonable cost.” It is simply a line that says, the city of Philadelphia should charge, yet they have a right to have a reasonable cost. There is nothing controversial about that. There is nothing unusual about that, and the fact that the gentleman would raise that as a reason to object to this I find very troubling.

The real question is this: Do we the public have a right to analyze the moneys that are being taken in by the red light cameras? Do we have that right? I say, yes, we do. And also, does the city of Philadelphia, if they are put to this burden, have the right to charge a reasonable amount? And I say they

do. The fact that they have a right to charge a reasonable amount does not mean they cannot give it to us for nothing.

My amendment gives the people of Pennsylvania, the Philadelphia Inquirer, political scientists studying this, it gives them more rights to access than the Geist amendment does. This is about open and accountable government, and I urge a “yes” for this.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Geist, for the second time.

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

The gentleman’s amendment is drafted wrong. Under the bill, the way we have it, the information would be provided free. His amendment, one, says, “shall” charge a reasonable fee. We do not want to charge a fee. The General Assembly will get an annual report. The information will now be made available to the public and to the media. We do not have to charge the Philadelphia Inquirer and other news sources around the State for this information.

I would urge a “no” vote. Thank you.

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Vitali amendment. I see no problem at all with the language that Mr. Vitali is offering to this amendment. This is a pilot program, Mr. Speaker, and the public emphatically has the right to know what information is going on or what statistical information is being garnered by these red light cameras. Actually, this amendment clarifies the intent of this legislation, and I would urge the members to support it. It is a good amendment, and it is a right-to-know amendment, a public right-to-know amendment, and I think we should pass it.

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Smith.

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

I would urge the members to vote “no” on the Vitali amendment for the reasons that were articulated by a previous speaker.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I urge support of the Vitali amendment. I went back and looked at the “shall provide” language. The “shall provide” language is not saying that you shall provide a cost. It is saying that you shall provide the information to the public. So it makes it perfectly clear that the “shall provide” is, you must provide this information to the public. And then the cost language goes only to the, now that we the Commonwealth are requiring you to provide this information, if there is a cost that you are going to incur because of that, we will recognize that and allow you to recover that.

But the “shall provide” goes to make it crystal clear that we intend this information, the statistical information, to be public information. I think that is a good thing. I would urge a “yes” vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—75

Barrar	Frankel	Levdansky	Santoni
Bebko-Jones	Freeman	Manderino	Schroder
Belardi	George	Mann	Shapiro
Belfanti	Gerber	McCall	Siptroth
Biancucci	Gergely	McGeehan	Staback
Bishop	Goodman	Melio	Stetler
Blaum	Grucela	Mundy	Sturla
Buxton	Gruitza	Pallone	Surra
Caltagirone	Haluska	Petrarca	Tangretti
Cohen	Hanna	Petrone	Thomas
Corrigan	Harhai	Pistella	Tigue
Costa	James	Preston	Veon
Crahalla	Josephs	Ramaley	Vitali
Curry	Kirkland	Roberts	Walko
Dermody	Kotik	Roebuck	Wansacz
DeWeese	LaGrotta	Rubley	Waters
Eachus	Leach	Ruffing	Wheatley
Evans, D.	Lederer	Sainato	Yudichak
Fabrizio	Lescovitz	Samuelson	

## NAYS—116

Adolph	Flick	Marsico	Rohrer
Allen	Forcier	McGill	Rooney
Argall	Gabig	McIlhattan	Ross
Armstrong	Gannon	McIlhinney	Sather
Baker	Geist	McNaughton	Saylor
Baldwin	Gillespie	Metcalfe	Scavello
Bastian	Gingrich	Micozzie	Semmel
Benninghoff	Godshall	Millard	Smith, B.
Birmelin	Good	Miller, R.	Smith, S. H.
Blackwell	Grell	Miller, S.	Solobay
Boyd	Harhart	Mustio	Sonney
Butkovitz	Harper	Myers	Stairs
Cappelli	Harris	Nailor	Steil
Casorio	Hasay	Nickol	Stern
Causer	Hennessey	O'Brien	Stevenson, R.
Cawley	Herman	Oliver	Stevenson, T.
Civera	Hershey	O'Neill	Taylor, J.
Clymer	Hess	Parker	True
Cornell	Hickernell	Payne	Turzai
Creighton	Hutchinson	Petri	Watson
Cruz	Kauffman	Phillips	Williams
Denlinger	Keller, M.	Pickett	Wilt
DiGiroloam	Kennedy	Pyle	Wojnaroski
Diven	Killion	Quigley	Wright
Ellis	Leh	Rapp	Youngblood
Evans, J.	Mackereth	Raymond	Zug
Fairchild	Maher	Readshaw	
Feese	Maitland	Reed	
Fichter	Major	Reichley	Perzel,
Fleagle	Markosek		Speaker

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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?

Mr. GOODMAN offered the following amendment No. A03574:

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

and for periods for requiring lighted lamps.

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

Section 1. Sections 3116(e)(3) and 4302(a) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 27 and 28 § 4302. Periods for requiring lighted lamps.

(a) General rule.—The operator of a vehicle upon a highway shall display the lighted head lamps and other lamps and illuminating devices required under this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles, at the following times:

(1) Between sunset and sunrise.

(2) Any time when[,] the operator cannot discern a person or vehicle upon the highway from a distance of 1,000 feet due to insufficient light or unfavorable atmospheric conditions, including rain, snow, sleet, hail, fog, smoke or smog[, persons and vehicles on the highway are not clearly discernible to the operator for a distance of 1,000 feet ahead].

(3) Any time when the vehicle's windshield wipers are in continuous or intermittent use due to precipitation or atmospheric moisture, including rain, snow, sleet or mist.

\* \* \*

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

The following roll call was recorded:

## YEAS—191

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

Denlinger	Kenney	Pyle	Waters
Dermody	Killion	Quigley	Watson
DeWeese	Kirkland	Ramaley	Wheatley
DiGirolamo	Kotik	Rapp	Williams
Diven	LaGrotta	Raymond	Wilt
Eachus	Leach	Readshaw	Wojnaroski
Ellis	Lederer	Reed	Wright
Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. EACHUS offered the following amendment No. A03583:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for an automobile insurance discount for students who meet certain criteria; and

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

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:  
§ 1799.8. Good student discount.

(a) General rule.—A company authorized to write private passenger automobile insurance within this Commonwealth shall provide a premium discount for each motor vehicle on a policy under which a named insured is 25 years of age or younger and has maintained a 3.0 academic average or better. This discount shall apply to all coverages for all policy periods beginning on or after January 1, 2005, and shall be approved by the Insurance Commissioner as part of the insurer's rate filing. The discount shall not be less than 15%. The discount is contingent on the driver being:

- (1) Unmarried.
- (2) Enrolled as a full-time student in:
  - (i) High school.
  - (ii) Academic courses in a college or university.
  - (iii) Vocational-technical school.
- (3) An honor student where the scholastic records for the immediately preceding quarter, semester or comparable segment show that the driver:
  - (i) ranks scholastically in the upper 20% of the class;
  - (ii) has a "B" average or better;
  - (iii) has a 3.0 academic average or better; or
  - (iv) is on the dean's list or honor roll.

(4) A driver whose use of the automobile is considered by the insurer in determining the applicable classification.

(b) Proof.—Proof of meeting the requirements for the discount provided by this section shall be provided annually to the insurer by the insured student or policyholder upon forms as prescribed by the Insurance Commissioner.

(c) Limitations.—An insurer shall not be required to offer the premium reduction provided in subsection (a) to a driver at any time within a period of three years prior to the beginning of the policy year during which that reduction is otherwise required if any of the following apply:

(1) The driver has been involved in any motor vehicle accident in which that driver has been determined to have been at fault.

(2) The driver has been finally convicted of, pleaded nolo contendere to or been found to have committed a delinquent act constituting any of the following offenses:

(i) Any serious traffic offense described in Subchapter B of Chapter 37 (relating to serious traffic offenses).

(ii) Any traffic offense for which three or more points have been assessed pursuant to section 1535 (relating to schedule of convictions and points).

(iii) Any felony or any offense prohibited pursuant to section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(3) The driver's license has been suspended for refusal to submit to chemical tests pursuant to section 1547(b) (relating to chemical testing to determine amount of alcohol or controlled substance) and that suspension, if appealed, has not been reversed.

Section 2. Section 3116(e)(3) Title 75 is amended to read:  
Amend Sec. 2, page 2, line 28, by striking out "2" and inserting 3

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

The following roll call was recorded:

YEAS-191

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

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. **MELIO** offered the following amendment No. **A03615**:

Amend Title, page 1, line 2, by inserting after “providing”  
for suspension of operating privilege and

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

defining the offense of aggressive driving; and  
imposing penalties.

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

Section 1. Section 1532 of Title 75 of the Pennsylvania  
Consolidated Statutes is amended by adding a subsection to read:  
§ 1532. Suspension of operating privilege.

\*\*\*

(e) Aggressive driving.—

(1) The department shall suspend the operating privilege of any driver for 30 days upon receiving a certified record of the driver’s conviction of or an adjudication of delinquency based on any offense under section 3737(a)(1) (relating to aggressive driving).

(2) The department shall suspend the operating privilege of any driver for one year upon receiving a certified record of the driver’s conviction of:

(i) Or an adjudication of delinquency based on any offense under section 3737(a)(2).

(ii) A subsequent offense under section 3737(a)(1) if the prior offense occurred within two years of the violation date of the subsequent offense.

Section 2. Section 3116(e)(3) of Title 75 is amended to read:

Amend Bill, page 2, by inserting between lines 27 and 28

Section 3. Title 75 is amended by adding a section to read:

§ 3737. Aggressive driving.

(a) Offense defined.—A person commits the offense of aggressive driving if the person:

(1) Makes audible verbal threats or insults, flashes headlights, uses demeaning gestures or directs any other action at persons driving lawfully, which, in the manner used, would cause a reasonable person to believe that the action was designed to display anger or to intimidate or threaten the person.

(2) Drives, operates or halts a vehicle upon a highway or adjacent property involving the commission of two or more violations of the following sections in a single act or series of acts in close proximity to another vehicle:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3301 (relating to driving on right side of roadway).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors).

Section 3345 (relating to meeting or overtaking school bus).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits) when the violation is more than ten miles per hour higher than the posted speed limit.

Section 3365 (relating to special speed limitations).

Section 3367 (relating to racing on highways).

Section 3702 (relating to limitations on backing).

Section 3703 (relating to driving upon sidewalk).

Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

(b) Penalties.—

(1) A first offense under subsection (a)(1) constitutes a misdemeanor of the third degree. A second or subsequent offense under subsection (a)(1) constitutes a misdemeanor of the second degree.

(2) A first offense under subsection (a)(2) constitutes a misdemeanor of the third degree. A second or subsequent offense under subsection (a)(2) constitutes a felony of the third degree.

Amend Sec. 2, page 2, line 28, by striking out “2” and inserting

4

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, Mr. Melio.

Mr. MELIO. Mr. Speaker, I am withdrawing three of the amendments.

The SPEAKER pro tempore. Mr. Melio, which amendment are you offering?

Mr. MELIO. 3615, 3616, and 3618.  
The SPEAKER pro tempore. They are the ones you are withdrawing?

Mr. MELIO. Yes, sir.  
The SPEAKER pro tempore. Which one are you offering?  
Mr. MELIO. 3617.  
The SPEAKER pro tempore. Thank you.

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

Mr. MELIO offered the following amendment No. **A03617**:

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

; and providing for restrictions on mobile phone use.

Amend Bill, page 2, by inserting between lines 27 and 28 Section 2. Title 75 is amended by adding a section to read:  
**§ 3315. Restrictions on mobile phone use.**

(a) Drivers subject to restriction.—No driver of a school bus, school-chartered bus or other bus being used for the exclusive transportation of school children as specified under section 4553(a) and (b) (relating to general requirements for other vehicles transporting school children) shall use a mobile phone while operating such vehicle on a roadway.

(b) Exceptions.—This section shall not apply to a driver who has pulled off of a roadway and come to a complete stop before using a mobile phone or who uses a mobile phone for the purpose of reporting an accident or emergency.

(c) Penalty.—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100.

(d) Definition.—As used in this section, the term “mobile phone” means a telecommunications device that receives an analog signal or digital signal, or both, and that is designed for portable use.

Amend Sec. 2, page 2, line 28, by striking out “2” and inserting  
3

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

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

Mr. MELIO. Thank you, Mr. Speaker.  
This amendment prohibits the driver of a school bus, school-chartered bus, or other bus being used for the exclusive transportation of schoolchildren from using a mobile phone while operating such vehicle on a roadway. Under this legislation, hands-free devices would also be prohibited.

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

The following roll call was recorded:

YEAS—157

Adolph	Fichter	Manderino	Samuelson
Allen	Flick	Mann	Santoni
Argall	Frankel	Markosek	Scavello
Baker	Freeman	Marsico	Schroder
Baldwin	Gannon	McCall	Semmel
Barrar	Geist	McGeehan	Shapiro
Bastian	George	McGill	Siptroth

Bebko-Jones	Gerber	McIlhattan	Smith, B.
Belardi	Gergely	McIlhinney	Smith, S. H.
Belfanti	Gingrich	McNaughton	Solobay
Benninghoff	Godshall	Melio	Staback
Biancucci	Good	Micozzie	Stairs
Bishop	Goodman	Mundy	Steil
Blackwell	Grell	Myers	Stetler
Blaum	Grucela	Nailor	Stevenson, T.
Butkovitz	Gruitza	O’Brien	Sturla
Buxton	Haluska	Oliver	Surra
Caltagirone	Hanna	O’Neill	Tangretti
Cappelli	Harhai	Pallone	Taylor, J.
Casorio	Harhart	Parker	Thomas
Cawley	Harper	Payne	Tigue
Civera	Harris	Petrarca	True
Clymer	Hasay	Petri	Turzai
Cohen	Hennessey	Petrone	Veon
Cornell	Herman	Phillips	Vitali
Corrigan	Hess	Pickett	Walko
Costa	Hickernell	Pistella	Wansacz
Crahalla	Hutchinson	Preston	Waters
Cruz	James	Quigley	Watson
Curry	Josephs	Ramaley	Wheatley
Dermody	Keller, M.	Raymond	Williams
DeWeese	Kenney	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Roberts	Youngblood
Eachus	LaGrotta	Roebuck	Yudichak
Evans, D.	Leach	Rooney	Zug
Evans, J.	Lederer	Ross	
Fabrizio	Leh	Rublely	
Fairchild	Lescovitz	Ruffing	Perzel,
Feese	Levdansky	Sainato	Speaker

NAYS—34

Armstrong	Gabig	Metcalfe	Reichley
Birmelin	Gillespie	Millard	Rohrer
Boyd	Hershey	Miller, R.	Sather
Causar	Kauffman	Miller, S.	Saylor
Creighton	Killion	Mustio	Sonney
Denlinger	Mackereth	Nickol	Stern
Ellis	Maher	Pyle	Stevenson, R.
Fleagle	Maitland	Rapp	Wilt
Forcier	Major		

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. SURRA offered the following amendment No. **A03645**:

Amend Title, page 1, line 2, by inserting after “providing” for restrictions on highway and bridge use and Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting  
Section 1. Sections 3116(e)(3) and 4902(g)(2) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 27 and 28 § 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.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. **SIPTROTH** offered the following amendment No. **A03710**:

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

and for unattended children in motor vehicles

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

Section 1. Sections 3116(e) (3) and 3701.1(b) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 27 and 28 § 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.

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

The following roll call was recorded:

YEAS—191

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



Crahalla	James	Phillips	Veon
Creighton	Josephs	Pickett	Vitali
Cruz	Kauffman	Pistella	Walko
Curry	Keller, M.	Preston	Wansacz
Denlinger	Kenney	Pyle	Waters
Dermody	Killion	Qigley	Watson
DeWeese	Kirkland	Ramaley	Wheatley
DiGirolamo	Kotik	Rapp	Williams
Diven	LaGrotta	Raymond	Wilt
Eachus	Leach	Readshaw	Wojnaroski
Ellis	Lederer	Reed	Wright
Evans, D.	Leh	Reichley	Youngblood
Evans, J.	Lescovitz	Roberts	Yudichak
Fabrizio	Levdansky	Roebuck	Zug
Fairchild	Mackereth	Rohrer	
Feese	Maher	Rooney	Perzel,
Fichter	Maitland	Ross	Speaker
Fleagle			

## NAYS—0

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. **PALLONE** offered the following amendment No. **A03721**:

Amend Title, page 1, line 2, by inserting after “for” exemption of persons, entities and vehicles from fees and for

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

Section 1. Sections 1901(d) and 3116(e)(3) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1901. Exemption of persons, entities and vehicles from fees.

\* \* \*

(d) Limitations.—

(1) Vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.

(2) Only one passenger car or truck with a registered gross weight of not more than 9,000 pounds may be registered to any person under the provisions of [subsection(b)(4) and subsection] subsections (b)(4) and (c)(16), (17), (18) and (19).

(3) A vehicle titled and registered under the provisions of subsection (a), (b)(1), (2) or (5) or (c)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (20), (21), (22) or (23) shall have the name of the governmental unit, organization or other entity operating the vehicle displayed on signs on both sides of the vehicle. This paragraph shall not apply to a vehicle operated by the Pennsylvania State Police or a county or local police department and that is used for law-enforcement purposes.

\* \* \*

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair is temporarily at ease.

## AMENDMENT WITHDRAWN

The SPEAKER pro tempore. It is the understanding of the Chair, Mr. Pallone, that you are withdrawing your amendments. Is that correct? Mr. Pallone? The Chair thanks the gentleman. Those amendments are withdrawn.

On the question recurring,

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

The SPEAKER pro tempore. The Chair needs to have the attention of the lady, Ms. Josephs. Ms. Josephs, it is our understanding that you have offered some amendments that were filed late and that you would be making a motion to suspend the rules to offer those amendments. Is that correct?

Ms. JOSEPHS. Yes, sir.

The SPEAKER pro tempore. Are they the three amendments that we have here – 4809, 4804, and 4807?

Ms. JOSEPHS. 4807, 4804, 4800.

The SPEAKER pro tempore. 4800. Thank you very much.

Would you like to make a motion to do that at this time?

Ms. JOSEPHS. I would like to start, sir, with 4807.

## MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, I make a motion that the rules be suspended for the purpose of offering amendment 4807.

On the question,

Will the House agree to the motion?

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Just a second.

Ms. JOSEPHS. Certainly, sir.

The SPEAKER pro tempore. May we suspend, please.

Ms. Josephs, the Chair apologizes for interrupting you. You are in order, and you are able at this point in time to give a brief explanation of the amendment and why you wanted the rules suspended to offer it.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment meets the objections that were raised to the amendment that was proffered by the gentleman from Delaware. There is no mention of any reasonable or, indeed, any unreasonable cost. My amendment would make traffic accident statistics available relative to red light cameras and also financial data available to the public. No mention of cost.

Everybody who voted against the previous amendment ought to be voting now to suspend the rules for this one.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady for being brief and recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This already exists in the original bill. The amendment is a redundancy, and I would ask for a “no” vote.

Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—86

Bebko-Jones	Frankel	Markosek	Santoni
Belardi	Freeman	McCall	Shapiro
Belfanti	George	McGeehan	Siptroth
Biancucci	Gerber	Melio	Solobay
Bishop	Gergely	Mundy	Staback
Blackwell	Goodman	Myers	Stetler
Blaum	Grucela	Oliver	Sturla
Butkovitz	Gruitza	Pallone	Surra
Buxton	Haluska	Parker	Tangretti
Caltagirone	Hanna	Petrarca	Thomas
Casorio	Harhai	Petrone	Tigue
Cawley	James	Pistella	Veon
Cohen	Josephs	Preston	Vitali
Corrigan	Kirkland	Ramaley	Walko
Costa	Kotik	Readshaw	Wansacz
Cruz	LaGrotta	Roberts	Waters
Curry	Leach	Roebuck	Wheatley
Dermody	Lederer	Rooney	Williams
DeWeese	Lescovitz	Ruffing	Wojnaroski
Eachus	Levdansky	Sainato	Youngblood
Evans, D.	Manderino	Samuelson	Yudichak
Fabrizio	Mann		

#### NAYS—105

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

#### NOT VOTING—0

#### EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

#### RULES SUSPENDED

The SPEAKER pro tempore. Would the lady, Ms. Josephs, like to make another motion for suspension of the rules?

Ms. JOSEPHS. Yes, Mr. Speaker. I would like to go to amendment 4804.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Would you like to give that brief explanation at this time?

Ms. JOSEPHS. Yes, Mr. Speaker.

This amendment would require the city of the first class to conduct a study of the use of electric vehicles in that city for efficiency, for environment, for anything we find. It does not affect the rest of the State. I think that the lessons learned from that study might be very useful for those of us all over the State.

I ask for a “yes” vote to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Geist.

The Chair thanks the gentleman for waiving off.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—159

Adolph	Fairchild	Levdansky	Sainato
Argall	Feese	Mackereth	Samuelson
Armstrong	Fichter	Maitland	Santoni
Baker	Fleagle	Major	Sather
Baldwin	Flick	Manderino	Saylor
Barrar	Forcier	Mann	Scavello
Bastian	Frankel	Markosek	Schroder
Bebko-Jones	Freeman	McCall	Shapiro
Belardi	Gabig	McGeehan	Siptroth
Belfanti	Gannon	McGill	Smith, B.
Benninghoff	George	McIlhinney	Smith, S. H.
Biancucci	Gerber	McNaughton	Solobay
Birmelin	Gergely	Melio	Sonney
Bishop	Gillespie	Micozzie	Staback
Blackwell	Gingrich	Miller, R.	Stairs
Blaum	Godshall	Mundy	Steil
Boyd	Good	Myers	Stern
Butkovitz	Goodman	Nailor	Stetler
Buxton	Grell	Nickol	Sturla
Caltagirone	Grucela	Oliver	Surra
Casorio	Gruitza	O'Neill	Tangretti
Causar	Haluska	Pallone	Thomas
Cawley	Hanna	Parker	Tigue
Civera	Harhai	Payne	True
Clymer	Harper	Petrarca	Veon
Cohen	Harris	Petri	Vitali
Cornell	Hickernell	Petrone	Walko
Corrigan	James	Pickett	Wansacz
Costa	Josephs	Pistella	Waters

Creighton	Kauffman	Preston	Watson
Cruz	Keller, M.	Ramaley	Wheatley
Curry	Kenney	Raymond	Williams
Denlinger	Killion	Readshaw	Wojnaroski
Dermody	Kirkland	Roberts	Wright
DeWeese	Kotik	Roebuck	Youngblood
DiGirolamo	LaGrotta	Rohrer	Yudichak
Diven	Leach	Rooney	Zug
Eachus	Lederer	Ross	
Evans, D.	Leh	Rubley	Perzel,
Evans, J.	Lescovitz	Ruffing	Speaker
Fabrizio			

NAYS—32

Allen	Herman	Millard	Reed
Cappelli	Hershey	Miller, S.	Reichley
Crahalla	Hess	Mustio	Semmel
Ellis	Hutchinson	O'Brien	Stevenson, R.
Geist	Maher	Phillips	Stevenson, T.
Harhart	Marsico	Pyle	Taylor, J.
Hasay	McIlhattan	Quigley	Turzai
Hennessey	Metcalfe	Rapp	Wilt

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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?

Ms. JOSEPHS offered the following amendment No. **A04804**:

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

: providing for electric vehicles study in cities of the first class; and further providing for prohibition on expenditures for emission inspection program.

Amend Bill, page 2, by inserting between lines 27 and 28

Section 2. Title 75 is amended by adding a section to read:

§ 3572. Electric vehicle study in cities of the first class.

The department shall conduct a study of the use of electric vehicles in cities of the first class.

Section 3. Section 4706(g) of Title 75 is amended to read:

§ 4706. Prohibition on expenditures for emission inspection program.

\* \* \*

(g) Alternative enhanced emission inspection program.—[Notwithstanding the provisions of subsection (f), the] The department shall comply with all of the following requirements:

(1) The department shall immediately suspend the development and implementation of a centralized, test-only vehicle emission inspection program until March 31, 1995.

(2) The department shall immediately notify the Environmental Protection Agency that the Commonwealth is developing an alternative vehicle emission program and intends to seek its approval of the plan in accordance with the requirements of the Federal law.

(3) The department shall develop and submit to the Environmental Protection Agency an alternative enhanced vehicle emission inspection program for approval which meets the requirements of Federal law and consists of a decentralized test and repair program or a hybrid program which combines both decentralized test and repair and test-only components. The decentralized test program may contain an additional component which will test and repair only those components necessary to achieve compliance with Federal clean air standards. As part of this decentralized test program, the department shall utilize the newest and most efficient technologies, including, but not limited to, remote roadside testing, identification and targeting of gross polluting vehicles and alternative equipment to existing inspection technology. The department may incorporate pilot programs and demonstration projects which achieve and enhance vehicle emissions reductions.

(4) On the effective date of this subsection, the department shall be immediately prohibited from expending any funds or allowing any other action in furtherance of the development and implementation of a centralized, test-only vehicle emission inspection program until the Environmental Protection Agency approves the decentralized or hybrid system proposed under paragraph (3). Any funds expended by the department after the approval of the program by the Environmental Protection Agency shall be limited to the implementation of the revised vehicle inspection program.

\* \* \*

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting

4

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

The SPEAKER pro tempore. On that amendment, the lady, Ms. Josephs, is recognized.

Ms. JOSEPHS. Mr. Speaker, I am being told that this amendment does not appear on people's screens.

The SPEAKER pro tempore. Ms. Josephs, that is because you filed it late and it obviously has not been put into the system yet. That is why we suspended the rules. So I think you need to do a real good job of explaining why you want to do what you are doing.

Ms. JOSEPHS. I did submit hard copy, though. That at least should be on people's desks, I think.

I will say what it says, though.

The SPEAKER pro tempore. Ms. Josephs, if there is a member that would like a hard copy of this amendment, we will make that available, and you need to let the pages know. The pages will distribute them to members who are requesting them.

Ms. JOSEPHS. I will explain it, though. It is fairly simple.

It just says that "The department shall conduct a study of the use of electric vehicles in cities of the first class."

The SPEAKER pro tempore. The Chair thanks the lady.

Any other members seeking recognition on this amendment?

Mr. Geist, are you seeking recognition?

Mr. Geist.

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

We are willing to debate this if it is not on the screens. You know, everybody makes mistakes once in a while. So let us just talk about it.

Thank you.

The SPEAKER pro tempore. Are there any other members that are wishing to debate this amendment?

Seeing no other members then, those in favor of the amendment will vote “aye”; those opposed will vote “no.”

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

(Members proceeded to vote.)

Mr. S. SMITH. Mr. Speaker?

#### VOTE STRICKEN

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

I think Mr. Geist misunderstood that we were not on the motion to suspend the rules; we were on the amendment when he spoke, and I think if he wanted to debate, that was his opportunity, and he did not avail himself of it because I think he misunderstood where we were. But you apparently do not misunderstand. So you may wish to debate.

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

I believe you are correct in that the gentleman from Altoona thought we were at a different point in the procedure, and I think it was his intention to in fact debate the merits of this amendment. Is it possible, Mr. Speaker, for us to recognize the gentleman for that purpose?

The SPEAKER pro tempore. You are asking me to recognize the gentleman, Mr. Geist?

Mr. S. SMITH. In order to debate the merits of this amendment, yes, Mr. Speaker.

The SPEAKER pro tempore. I did not see him at the microphone. Is that your request, Mr. Geist?

You may proceed then, and we will only count this as his first attempt.

Mr. S. SMITH. That is very kind of you, Mr. Speaker.

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

Now, for those of us who have ridden the Segway vehicle, we know what advantage this can be for handicapped people, for people that deliver mail, for people who do patrolling and other functions, both indoors and outdoors. We also know that there would be a fiscal impact to this amendment. I do not believe that a fiscal note exists, and if it does not, then I think that maybe we should take a better look at it.

I would oppose the amendment on merit alone, but I was asked here if we have a fiscal note, and no, we do not. So that would be a ruling of the Chair.

The SPEAKER pro tempore. The rules were suspended, so there is no need for a fiscal note.

Mr. GEIST. Thank you, Mr. Speaker.

#### AMENDMENT TABLED

Mr. GEIST. In light of the fact that we have no information, no correspondence from the city of Philadelphia, nothing on this amendment, it is kind of cold, I would move at this time that we table the amendment.

The SPEAKER pro tempore. Moved by the gentleman, Mr. Geist, that we table this amendment, amendment 04804.

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

The SPEAKER pro tempore. This is a motion debatable only by the floor leaders. I am going to assume, Ms. Josephs, that Mr. DeWeese is deferring to you on this issue.

#### PARLIAMENTARY INQUIRY

Ms. JOSEPHS. I have a personal or a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The lady will please state it.

Ms. JOSEPHS. It seems to me that the gentleman who is opposing my amendment has spoken not once but twice—

The SPEAKER pro tempore. No, that is not the case. Let me correct that.

Ms. JOSEPHS. —and on the wrong amendment once.

The SPEAKER pro tempore. When he spoke twice, it was really the same opportunity. Nobody spoke. He asked me for a pause, which I gave him out of courtesy. He went back to the microphone and spoke again. So that was a continuation of the one part of his recognition.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Had somebody spoken in between those two times, then it would have been his second.

Mr. DeWeese, do you yield to Ms. Josephs for the purpose of this debate?

Ms. Josephs, you are recognized to speak on this.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I think it is very important that we do this amendment so that the city of the first class can gather information that is important and helpful to people across the State. Electric cars are extremely important when we are talking about reducing air pollution, noise pollution. The city of the first class would undertake this. We are already using hybrid cars.

Those of you who are environmentalists, no matter where you are located, ought to be for this. Even those of us who do not live in Philadelphia do occasionally come into the city. Air quality will be better; noise quality will be better.

I urge a positive vote.

The SPEAKER pro tempore. Ms. Josephs, I think you would urge a negative vote, not a positive vote.

Ms. JOSEPHS. Oh, yes; you are quite right. I am tabling.

The SPEAKER pro tempore. I am here to help you.

The Chair recognizes the majority leader, Mr. Smith.

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

Mr. Speaker, upon getting a better look at what this amendment actually says, I would ask the members to table the amendment. I think there may be some merit to the general direction of this amendment, that there may be some need or validity possibly to evaluate, study, or some kind of pilot program of electric vehicles within a large urban area. I believe in looking at this amendment, though it is not complete, that the thought and the explanation of how you would actually go through that study, evaluation, whatever it might be that best serves the intent of the maker of this amendment, I just do not think it is quite a complete thought.

I would urge the members to table the amendment and urge the Transportation Committee to take a look at this subject matter in the future.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am very encouraged by the words of the majority leader on the substance of this amendment. If I could have a commitment from him and from the gentleman, Mr. Geist, to work on this in a substantive way, in a timely manner, I would be happy to withdraw this amendment before the vote.

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

Mr. S. SMITH. Mr. Speaker, I was, you know, trying to be polite and diplomatic about it. I was not looking to go over the board on major commitments here.

I think stated in what I did state, Mr. Speaker, seriously, I think that it is something that the Transportation Committee should take a look at. I am not going to make a commitment to them running a bill or a particular resolution to this effect. I do not know enough about the issue. It seems like it is something worthy for them to take another look at. I do not think that the amendment before us is complete in its thought, as I said earlier, and I would urge the members to table the amendment in order that the committee might take a deeper look at it. I am a little bit reserved to make a firm commitment to running something specifically at this point in time, though.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Is the lady, Ms. Josephs, seeking recognition again?

Ms. JOSEPHS. It is always good to vote “no” before you vote “yes” and then vote “no” again. Let us vote.

The SPEAKER pro tempore. The Chair thanks the lady.

The members will decide the issue of whether or not to table it.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—144

Adolph	Gabig	Marsico	Santoni
Allen	Gannon	McCall	Sather
Argall	Geist	McGeehan	Saylor
Armstrong	Gerber	McGill	Scavello
Baker	Gergely	McIlhattan	Schroder
Baldwin	Gillespie	McIlhinney	Semmel
Barrar	Gingrich	McNaughton	Shapiro
Bastian	Godshall	Metcalfe	Siptroth
Belardi	Good	Micozzie	Smith, B.
Belfanti	Goodman	Millard	Smith, S. H.
Benninghoff	Grell	Miller, R.	Solobay
Birmelin	Grucela	Miller, S.	Sonney
Blaum	Gruitza	Mustio	Stairs
Boyd	Harhai	Myers	Steil
Butkovitz	Harhart	Nailor	Stern
Cappelli	Harper	Nickol	Stevenson, R.
Causar	Harris	O'Brien	Stevenson, T.
Cawley	Hasay	Oliver	Sturla
Civera	Hennessey	O'Neill	Taylor, J.
Clymer	Herman	Payne	Tigue
Cornell	Hershey	Petri	True
Crahalla	Hess	Phillips	Turzai
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pyle	Wansacz
Denlinger	James	Quigley	Watson
DiGirolamo	Kauffman	Rapp	Wheatley
Diven	Keller, M.	Raymond	Williams
Eachus	Kenney	Reed	Wilt
Ellis	Killion	Reichley	Wojnaroski
Evans, D.	Leh	Roberts	Wright

Evans, J.	Lescovitz	Rohrer	Youngblood
Fairchild	Levdansky	Rooney	Yudichak
Feese	Mackereth	Ross	Zug
Fichter	Maher	Rubley	
Fleagle	Maitland	Ruffing	
Flick	Major	Sainato	Perzel,
Forcier	Markosek		Speaker

#### NAYS—47

Bebko-Jones	DeWeese	Lederer	Readshaw
Bianucci	Fabrizio	Manderino	Roebuck
Bishop	Frankel	Mann	Samuelson
Blackwell	Freeman	Melio	Staback
Buxton	George	Mundy	Stetler
Caltagirone	Haluska	Pallone	Surra
Casorio	Hanna	Parker	Tangretti
Cohen	Josephs	Petrarca	Thomas
Corrigan	Kirkland	Petrone	Veon
Costa	Kotik	Pistella	Walko
Curry	LaGrotta	Preston	Waters
Dermody	Leach	Ramaley	

#### NOT VOTING—0

#### EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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

#### RULES SUSPENDED

The SPEAKER pro tempore. Is the lady going to offer a motion to suspend the rules for the purpose of offering amendment 4800?

Ms. JOSEPHS. This amendment would prohibit the use of the—

The SPEAKER pro tempore. Is that what the lady is doing? Would you make the motion first, please.

Ms. JOSEPHS. I am sorry?

The SPEAKER pro tempore. Would you make the motion first, if that is what you intend to do.

Ms. JOSEPHS. I move to suspend the rules on amendment 4800.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The lady, Ms. Josephs, is recognized for the purpose of suspending the rules for amendment 4800, and she is recognized to give a brief explanation of the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I know there is noise back here, but we are having trouble understanding you.

The SPEAKER pro tempore. If you would suspend, we will try to reduce the noise level.

Those who are gathered in the back of the hall of the House, please remove yourselves to your seats or take your conversations outside of the hall.

That is better.

You may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment refers to the devices that are self-balancing, which were sold to us several sessions ago as something that could be used by handicapped folks. It cannot be. It is a difficult device to use. You have to stand and steer it, break it, and start it and stop it on a crowded sidewalk, which the streets of the city of the first class are becoming more and more crowded, for which I am grateful, day and night. They are a danger to people who are walking. Those folks who are able-bodied delivery people, anybody in that kind of a category, if that person is able to operate one of these machines, that person can perfectly well walk like the rest of us. It is a danger to people who are walking on the sidewalks, particularly the old, the infirm, the disabled.

The SPEAKER pro tempore. If the lady would suspend for a second.

I think you have gotten into debate on the bill rather than an explanation of the amendment, that is. Would you please draw it to a conclusion.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am finished. I ask for a vote to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I am willing to suspend the rules for the consideration of the amendment. I am not sure that I agree with the amendment, but in a sense of allowing everybody to have a shot at their issue of the day, I would ask the members to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

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	Saylor
Bebko-Jones	Geist	McGeehan	Scavello
Belardi	George	McGill	Schroder
Belfanti	Gerber	McIlhattan	Shapiro
Benninghoff	Gergely	McIlhinney	Siptroth
Bianucci	Gillespie	McNaughton	Smith, B.
Birmelin	Gingrich	Melio	Smith, S. H.
Bishop	Godshall	Micozzie	Solobay
Blackwell	Good	Millard	Sonney
Blaum	Goodman	Miller, R.	Staback
Boyd	Grell	Miller, S.	Stairs
Butkovitz	Grucela	Mundy	Steil
Buxton	Gruitza	Myers	Stern
Caltagirone	Haluska	Nailor	Stetler
Cappelli	Hanna	Nickol	Stevenson, R.
Casorio	Harhai	O'Brien	Stevenson, T.
Causser	Harhart	Oliver	Sturla
Cawley	Harper	O'Neill	Surra
Civera	Harris	Pallone	Tangretti
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon

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

NAYS—5

Maher	Mustio	Semmel	Wilt
Metcalfe			

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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?

Ms. JOSEPHS offered the following amendment No. **A04800**:

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

; providing for electric vehicles study in cities of the first class; and further providing for prohibition on expenditures for emission inspection program.

Amend Bill, page 2, by inserting between lines 27 and 28

Section 2. Title 75 is amended by adding a section to read:

§ 3572. Electric vehicle study in cities of the first class.

The department shall conduct a study of the use of electric vehicles in cities of the first class.

Section 3. Section 4706(g) of Title 75 is amended to read:

§ 4706. Prohibition on expenditures for emission inspection program.

\* \* \*

(g) Alternative enhanced emission inspection program.—[Notwithstanding the provisions of subsection (f), the] The department shall comply with all of the following requirements:

(1) The department shall immediately suspend the development and implementation of a centralized, test-only vehicle emission inspection program until March 31, 1995.

(2) The department shall immediately notify the Environmental Protection Agency that the Commonwealth is developing an alternative vehicle emission program and intends to seek its approval of the plan in accordance with the requirements of the Federal law.

(3) The department shall develop and submit to the Environmental Protection Agency an alternative enhanced vehicle emission inspection program for approval which meets

the requirements of Federal law and consists of a decentralized test and repair program or a hybrid program which combines both decentralized test and repair and test-only components. The decentralized test program may contain an additional component which will test and repair only those components necessary to achieve compliance with Federal clean air standards. As part of this decentralized test program, the department shall utilize the newest and most efficient technologies, including, but not limited to, remote roadside testing, identification and targeting of gross polluting vehicles and alternative equipment to existing inspection technology. The department may incorporate pilot programs and demonstration projects which achieve and enhance vehicle emissions reductions.

(4) On the effective date of this subsection, the department shall be immediately prohibited from expending any funds or allowing any other action in furtherance of the development and implementation of a centralized, test-only vehicle emission inspection program until the Environmental Protection Agency approves the decentralized or hybrid system proposed under paragraph (3). Any funds expended by the department after the approval of the program by the Environmental Protection Agency shall be limited to the implementation of the revised vehicle inspection program.

\* \* \*

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting

4

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

The SPEAKER pro tempore. On that question, the lady, Ms. Josephs, is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

People who are in the delivery business – U.S. postal carriers, folks who take express mail back and forth, people with flowers, whoever they are – should not be using these devices, at least not in the city and not on the sidewalks.

If you can run one of these things – and I have seen them because they are on the very crowded now sidewalks of Philadelphia – you have to be able to stand up, balance yourself, control the thing with your hands and your feet, watch out for pedestrians, and anybody who has those skills and capabilities is perfectly capable of driving a car in the street, riding a bicycle in the street, or walking. There is no reason to have these devices on the streets of the city of the first class, and they are a danger to people who are walking, particularly the elderly, the infirm, and the disabled.

I would like to see these devices off of the streets of Philadelphia. Everybody here has constituents. Almost everybody here, himself or herself, comes personally to the city of the first class. We want you to have a good time. We want you to see a great show, go to a great museum, have a good meal. We do not want you to be run down by somebody on a device on a sidewalk who is driving something that does not belong on a sidewalk.

Please vote "yes" to eliminate these devices, these motor-driven balancing devices, from the sidewalks of the city of the first class.

Thank you, Mr. Speaker.

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

Mr. MAHER. Thank you, Mr. Speaker.

Would the maker of the amendment receive interrogation?

The SPEAKER pro tempore. The lady indicates she is willing to do so. You may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

If I remember correctly, the prior amendment by the same member had something to do with the evils of the internal combustion engine and the preference for electrically powered devices and so forth. Am I recalling your prior amendment correctly, Mr. Speaker?

Ms. JOSEPHS. I do not remember condemning any kind of engine, but it did have to do with a test program, a pilot program, for electric cars in the city of the first class.

Mr. MAHER. Thank you, Mr. Speaker.

On the amendment?

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

Mr. MAHER. I, for one, would prefer that the maker of this amendment decide if there is any technology that would be appropriate. Apparently electric vehicles are superior to internal combustion vehicles in her prior amendment, and in this case an electrical mode of transportation is less desirable than apparently an internal combustion engine. If I understand her correctly, she would prefer that we all simply walk, and while that is noble and perhaps would do us all some good, I do not think it is an idea that needs to be seriously considered, and I would urge our rejecting this amendment, Mr. Speaker.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a sidewalks amendment. The earlier amendment by Representative Josephs was a streets amendment.

People ought to walk on sidewalks. There ought not to be vehicles on sidewalks. That is what this is saying. All over Philadelphia there is congestion on sidewalks. In a district represented by the lady from Philadelphia, Ms. Josephs, there are thousands and thousands of people on the sidewalks. It is very difficult often at rush hour to go anywhere by walking in Philadelphia. There are traffic jams for walkers as well as for drivers in her district. It is very, very dangerous for people to be having these little electric vehicles on the sidewalks of her district and on the sidewalks of other people's districts in Philadelphia at times in which there is a large concentration.

There is no inconsistency between this amendment and the prior amendment offered by the lady from Philadelphia. This is a meritorious amendment. I strongly urge the support of all Philadelphians and all non-Philadelphians for this amendment. We all have a stake in safety within Philadelphia; we all have an economic stake in the continued economic viability of Philadelphia. This takes nothing away from anybody outside Philadelphia. It helps anybody, whether a Philadelphian or not, who has any business or pleasurable activities within Philadelphia.

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

Mr. GEIST. Thank you, Mr. Speaker.

I wonder how this amendment was drafted and who drafted it, but let us start, first of all, with current law. We have already defined by law in Pennsylvania that the city of Philadelphia, if the city wants, can ban any of these vehicles.

Secondly, her amendment, by definition, whether she is trying to get at gyroscopically balanced vehicles versus regularly balanced vehicles, I do not know. The way that it is

drafted, it does not just say sidewalks; it says everywhere. The way it is drafted, it does mean all vehicles off of all streets, all sidewalks of the city of Philadelphia, the way it is drafted. You do not want to do that. This is a very, very antihandicapped amendment. There are many people who are dependent on their little scooters, there are many people who are dependent on their Segways, there are many people who are dependent on their electric motorized vehicles as their only way of getting around.

Do we in this General Assembly really want to do away with that? Do we really want to change the law, the current law, where we give the city of the first class the ability to do that now in city council chambers? I think not. This is a very, very poorly defined and drafted amendment, and I would urge a “no” vote.

Thank you.

The SPEAKER pro tempore. The lady, Ms. Josephs, is recognized.

Ms. JOSEPHS. I would like to be, to the best of your ability, the last person to speak. Is that your belief, now, sir?

The SPEAKER pro tempore. At this moment. We did not see anyone else. Well, I stand corrected. Representative Cohen has sought a second opportunity, so we will let him go.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to say that if there is any federally protected right such as for handicapped persons, then the Federal law overrides our law. We have no power to stop anybody from doing anything that is allowed by Federal law. Any handicapped person who is allowed by the Americans With Disabilities Act or any Federal regulation or any Federal court decision to be on the streets or sidewalks of Philadelphia will be allowed under this amendment.

The access to especially sidewalks by these little vehicles goes far beyond handicapped persons. It is a public menace, and this is a very meritorious amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

May I conduct further interrogation of the maker?

The SPEAKER pro tempore. The Chair would agree that as long as Ms. Josephs agrees to that, that you may with the understanding that you are asking questions that you do not already have the answer to.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. You may proceed.

Mr. MAHER. Mr. Speaker, is it correct that this amendment strictly prohibits self-balanced devices, self-balancing devices?

Ms. JOSEPHS. Yes, Mr. Speaker.

Mr. MAHER. And, Mr. Speaker, would self-balancing devices be those which are least likely to tip over or otherwise have some sort of a calamity or accident?

Ms. JOSEPHS. No, Mr. Speaker.

Mr. MAHER. So if I am understanding correctly, it is your view that self-balancing are more apt to tip over?

Ms. JOSEPHS. Yes, sir.

Mr. MAHER. Very interesting. Could you elaborate on that for me, Mr. Speaker?

Ms. JOSEPHS. I will make my points in my second chance to speak, Mr. Speaker.

Mr. MAHER. Thank you, Mr. Speaker.

The gentleman, Mr. Geist, is quite correct. We have spent millions and millions of dollars in this Commonwealth precisely to ensure that our sidewalks are accessible to those that depend upon electronic devices. To even consider this sort of a motion, which, if you use your own eyes, penalizes those who use the latest technology, the technology to add the gyroscopic balance to put them in as little a precarious position as possible, that somehow or another that that balancing thing seems to be the cornerstone of this amendment.

### CONSTITUTIONAL POINT OF ORDER

Mr. MAHER. The gentleman from Philadelphia suggests, well, never mind if we are considering language which would violate Federal rights of the disabled, to just never mind, because it would be unenforceable. Well, perhaps that is correct and perhaps that makes the point crystal clear that this amendment as drafted, regardless of the intent of the maker, that this amendment is unconstitutional, Mr. Speaker, and I would like to make a motion that this be found unconstitutional for violating the equal protection clause of the United States Constitution.

The SPEAKER pro tempore. The gentleman, Mr. Maher, raises the point of order that amendment 4800 is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher, on that issue.

Mr. Maher, did you have any further comments?

Mr. MAHER. Mr. Speaker, I think it is crystal clear that this amendment as drafted would prohibit the disabled from having access to the sidewalks and the streets of Philadelphia if they depend upon electronic devices that happen to feature a balancing mechanism. It is unconscionable and it is violative of the United States Constitution, and I would ask that we recognize it as such.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. First of all, I think we are talking about electrical devices, not electronic devices.

Second of all, I do not believe there is any handicapped – perhaps there should be – or disabled category in the United States Constitution that is treated to equal protection under that Constitution.

And third of all, which is the important point, I am not talking about wheelchairs that are motorized. I am not talking about little scooters that are motorized. I indeed am trying to protect the handicapped, disabled, and infirm people who may be using those devices. The device I am talking about – and the gentleman was surprised when I said no to two of his questions – is self-balancing, which means that the driver, the operator, must balance the machine as he or she drives the thing on sidewalks. You stand up on it; your foot is on either side of a



stick; the stick comes up to your chest height; there is a wheel; there are controls. No handicapped person can use this device.

The SPEAKER pro tempore. Will the lady suspend.

I would just like to caution you that you need to be speaking on the issue of constitutionality, which you were doing in the beginning of your argument. You have now gone to a description of these vehicles on the sidewalks. So please confine your remarks to the issue of constitutionality.

Ms. JOSEPHS. Mr. Speaker, I am confining my remarks to the issue of constitutionality. The motion says that prohibiting these devices will unconstitutionally discriminate against the handicapped who might use these devices. I am explaining that no one who is handicapped can possibly use this device. If we took them off the sidewalks of Philadelphia, handicapped people would be safer because they would not run the danger of being hit by one of these things when they were in their motorized wheelchair or they were in their motorized motor scooter.

These devices are not for the handicapped. The first gentleman who spoke talked about the fact that mail deliverers and flower deliverers and express people deliverers use these devices. He was correct. These people are not in any way handicapped or disabled. These people are perfectly well-bodied and able to walk, and they should walk. When these things are on crowded sidewalks of the city of the first class, handicapped people are put in jeopardy.

This is a perfectly constitutional amendment. You will instruct us, Mr. Speaker, whether it is a “yes” or a “no” vote to say that it is constitutional. I believe it is constitutional. Please join me in that vote.

The SPEAKER pro tempore. On the issue of constitutionality, those voting “aye” will vote to declare the amendment to be constitutional; those who are voting “no” will be voting to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

#### YEAS—77

Bebko-Jones	Fabrizio	Manderino	Santoni
Belardi	Frankel	Markosek	Shapiro
Belfanti	Freeman	McCall	Siproth
Biancucci	George	McGeehan	Staback
Bishop	Gerber	Melio	Stetler
Blackwell	Gergely	Mundy	Sturla
Blaum	Goodman	Myers	Tangretti
Butkovitz	Haluska	Oliver	Thomas
Buxton	Hanna	Pallone	Tigue
Caltagirone	Harhai	Parker	Veon
Casorio	James	Petrarca	Vitali
Cawley	Josephs	Petrone	Walko
Cohen	Kirkland	Ramaley	Wansacz
Corrigan	Kotik	Roberts	Waters
Costa	LaGrotta	Roebuck	Wheatley
Cruz	Leach	Rooney	Williams
Curry	Lederer	Ruffing	Wojnaroski
Dermody	Lescovitz	Sainato	Youngblood
Eachus	Levdansky	Samuelson	Yudichak
Evans, D.			

#### NAYS—113

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

#### NOT VOTING—1

Preston

#### EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

The SPEAKER pro tempore. The amendment is declared to be unconstitutional.

There are no further amendments to HB 1993.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Geist, agrees to interrogation. You may begin.

Mr. VITALI. Thank you, Mr. Speaker.

I am trying to get at what is the purpose of HB 1993.

Mr. GEIST. To permit the Parking Authority to provide this information to the public for free.

Mr. VITALI. To permit or to require?

Mr. GEIST. Permit.

Mr. VITALI. In other words, is it your intention to ensure that the public has information about ticketing and revenues for red light cameras? Is it your intent that the public has this information?

Mr. GEIST. Yes, it is. Under the bill, the report, they will get the information through the report and they will get the information through the Parking Authority of Philadelphia, which they will put out to the public.

Mr. VITALI. So it is your intent that the public has this information.

Now, in this bill there are essentially, on page 2, about 10 operative lines, lines 17 through 26. I have read these carefully, and nowhere in these lines does it require the public to get that. Is that not true?

Mr. GEIST. I am sorry. Could you repeat that?

Mr. VITALI. The operative portion of this bill is page 2, lines 17 through 27. I have read this, and I can find nowhere in there where the public is required to get information on red light cameras. Can you show me exactly where legislation requires the public to get red light camera information?

Mr. GEIST. In the bill that this bill amends, it is required that that report be made public.

Mr. VITALI. And what part of that bill is that?

Mr. GEIST. It is in the Vehicle Code now. I do not have the bill in front of me, but it is in the Vehicle Code.

Mr. VITALI. Mr. Geist, is it not the purpose of your bill to address the fact that the public is specifically prohibited in the bill in chief from getting this information?

Mr. GEIST. Oh, no, no; absolutely not. This bill was drafted with the newspaper publishers' help, with AAA (American Automobile Association) and others, and it satisfies their needs, and I would categorically say that you are on the wrong track.

Mr. VITALI. Thank you, Mr. Speaker.

I completed my interrogation.

The SPEAKER pro tempore. Do you wish to speak on the bill?

Mr. VITALI. I wish to speak on the bill and with the intent of eventually making a motion.

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

Mr. VITALI. Thank you, Mr. Speaker.

I think in due respect— Well, what the gentleman is saying is simply untrue. The fact of the matter is—

(Remarks were stricken from the record.)

The SPEAKER pro tempore. Will the gentleman, Mr. Vitali, suspend for a minute.

Mr. Vitali, would you come to the Speaker's desk, please.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The Chair rules that the gentleman, Mr. Vitali, is out of order for his remarks and will no longer be recognized on this issue.

Are there any other members who wish to be recognized on the legislation before us, HB 1993? Any other members seeking recognition?

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—185

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

#### NAYS—6

Casorio	Mackereth	Sturla	Vitali
Curry	Nickol		

#### NOT VOTING—0

#### EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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 1348, PN 3168**, entitled:

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

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

The SPEAKER pro tempore. The gentleman, Mr. Tangretti, wants to be recognized for the purpose of suspending the rules.

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

The SPEAKER. Would the gentleman, Mr. DeWeese, come to the rostrum.

(Conference held at Speaker's podium.)

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

The SPEAKER. The gentleman, Mr. Tangretti, moves for an immediate suspension of the rules of the House for consideration of amendment number— Mr. Tangretti?

(Mr. Vitali was seeking recognition at the microphone.)

The SPEAKER. The Democrat leader has asked us to withhold recognizing you for a few moments until he had a chance to talk to you.

(Mr. Vitali was seeking recognition at the microphone.)

The SPEAKER. Will the gentleman yield.  
We are on HB 1348.

(Mr. Vitali was seeking recognition at the microphone.)

The SPEAKER. We are honoring the request of Mr. DeWeese, Mr. Vitali.

(Mr. Vitali was seeking recognition at the microphone.)

The SPEAKER. Will the gentleman suspend.

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?  
Mr. VITALI. Point of order.  
The SPEAKER. What is the gentleman's point of order?

Mr. VITALI. Mr. Speaker, I announced when we were voting on HB 1993 that, A, I wanted to speak on the bill and, B, at the conclusion of that, wanted to make a motion. I was then called up to the dais for discussions. While those discussions were going on, a vote was taken and I was not allowed to make that motion to continue my debate. Therefore, I am asserting that vote was out of order.

The SPEAKER. Mr. Vitali, it was asserted by the temporary Speaker that you were out of order.

### RULING OF CHAIR APPEALED

Mr. VITALI. I challenge—

The SPEAKER. Do you wish to appeal the decision of the Chair?

Mr. VITALI. I wish to appeal the ruling of the Chair.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Mr. Smith.

Mr. S. SMITH. What was the ruling of the Chair that is being challenged? I am unclear as to where we stand at this moment.

The SPEAKER. The rules of the House—

Mr. VITALI. I am in a position to clarify that.

The SPEAKER. The ruling is that the gentleman, Mr. Vitali, violated the rules of debate of this chamber, and accordingly, he was not permitted to further speak, and that is the decision that is being appealed, Mr. Smith.

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

The SPEAKER. When an appeal is taken, the Speaker should clearly state the decision which is being appealed when debate is concluded. The question is stated as follows: Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "no."

On the question,

Shall the decision of the Chair stand as the judgment of the House?

### PARLIAMENTARY INQUIRIES

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

Mr. VITALI. The parliamentary inquiry is, my intent is to challenge the fact that the vote was taken while I was called at the direction of the Speaker at the dais. That is what I am challenging. I am challenging the right of a Speaker to call a vote after he has brought a member from the floor to the dais. That is what I am challenging. I am not challenging a decision of whether I was out of order or not. That was never made. That statement that I was out of order was never made publicly.

The SPEAKER. It was made publicly at the rostrum that you were out of order and that you would not be permitted to continue debate.

Mr. VITALI. A further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VITALI. How do I challenge the commencement of a vote when I was called to the dais for discussions with the Chair? How do I make that motion?

The SPEAKER. No one asked for recognition after the gentleman was ruled out of order.

Mr. VITALI. Mr. Speaker, I asked—

The SPEAKER. Nothing was in order but the taking of the vote.

Continuing with the appeal—

Mr. VITALI. Mr. Speaker, a further parliamentary inquiry.

Mr. Speaker, I would like to continue the parliamentary inquiry because I was at the microphone. I had the floor at the time I was called. So therefore, I was recognized. I was recognized and I had—

The SPEAKER. The gentleman, Mr. Vitali, was ruled out of order. That is the question before the House.

Mr. VITALI. Thank you.

I would like to argue on that then.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

Frankly, you know, I have been around long enough to know that I am not going to win this one, but I would hope that some members, I would hope that some members would give this vote some thought because we are dealing with serious issues here, and the precedent for a member being called up by the Speaker after he announced his intention to make a motion, I think it is a bad precedent.

I think that we all have a right to debate, we all have a right to make our motions. At the end of the day, the party with the most votes is going to carry the day, but I think that this cannot just be a kangaroo court. This just cannot be a banana republic-style chamber where just because you have the power, you can do whatever you want. We all have a right to have a say, and I think that many of you, most of you, almost all of you were paying attention. I think you saw that we were engaged in active debate; you saw that I had serious concerns with the red light camera bill, that serious questions were being raised with regard to whether this information should be made public and I wanted to continue this, and at the end of the day, I very well may have lost those motions, but we all— Many of you will be in the same position I am today, and I think to set the precedent, to set the precedent that we do not have the right, do not have the right to at least have our say, at least make our motions, is a really bad precedent.

So I know this is going to lose, but I ask that those of you who can bring themselves to vote “yes” just for the integrity of this chamber, I would like as many votes as possible.

And I need a clarification whether a “yes” or a “no” vote would require that the rule of the Chair would be overturned? Is it a “no” vote?

The SPEAKER. A “yes” vote sustains the ruling of the Chair.

Mr. VITALI. I would ask the chamber, as many people who can vote “no” on this, do it.

Thank you.

The SPEAKER. For the information of the members, normally it is the proper procedure of this House that a member stands at the microphone to seek recognition. I have in the past, several times, allowed Mr. Vitali just to raise his hand to be recognized and recognized him after that. So to impugn the integrity of the entire institution because of something that occurred here, after I had to come up here after you got a little bit out of line, and then say that we are trying to stop somebody

from debating is wrong. Whether you like that or not, I believe it is wrong.

Mr. Samuelson. Does the gentleman wish to be recognized?

I am sorry. The gentleman, Mr. Smith.

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

I would urge the members to uphold the ruling of the Chair, and let me state my view of it as things transpired.

The gentleman from Delaware County did seek to be recognized, did indicate that he wanted to make a statement followed by the intent to make a motion. However, in the course of his interrogation, he not only referred to the gentleman from Altoona by his direct name, which is a violation of the rules – we are supposed to direct questions to the Speaker, not to an individual by name, and with some tone to it, I might add – secondly, the gentleman proceeded to follow his interrogation by challenging the member’s motives, which is also a violation of the rules; and thirdly, he proceeded to basically call the member a liar.

Now, those are the three things that I saw. After the first two, I stood to be recognized, but he had finished, so I was prepared to let it drop. However, the Chair out of its own judgment felt that the gentleman from Delaware had gone over the line. That is what precipitated the ending of his turn at the microphone, I would argue. He has not been denied his right as a member to debate or to make a motion. He has denied himself that right by getting out of order, at which point in time the Chair has the responsibility and authority to keep the debate in proper order.

So the Chair did not deny him the ability to make a motion; he was out of order, and that is what ended his ability to speak at that moment, and I would urge the members, in order to maintain the proper decorum and the proper order of debate, to uphold the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Excuse me, and thank you very much, Mr. Speaker. I was off the floor for 90 seconds only, but when I came back, things were confusing.

The commentary that I just heard from the majority leader is exactly the same way I saw it. Thank you.

The SPEAKER. Those in favor of sustaining this Chair’s decision will vote “aye”; those opposed will vote “no.”

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

#### YEAS—173

Adolph	Feese	Maher	Rooney
Allen	Fichter	Maitland	Ross
Argall	Fleagle	Major	Rubley
Armstrong	Flick	Manderino	Ruffing
Baker	Forcier	Mann	Sainato
Baldwin	Frankel	Markosek	Santoni
Barrar	Gabig	Marsico	Sather
Bastian	Gannon	McGeehan	Saylor
Bebko-Jones	Geist	McGill	Scavello
Belardi	Gerber	McIlhattan	Schroder
Belfanti	Gergely	McIlhinney	Semmel
Benninghoff	Gillespie	McNaughton	Sipthoth
Biancucci	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.

Bishop	Good	Millard	Solobay
Blackwell	Goodman	Miller, R.	Sonney
Blaum	Grell	Miller, S.	Stairs
Boyd	Grucela	Mundy	Steil
Butkovitz	Gruitza	Mustio	Stern
Buxton	Haluska	Myers	Stevenson, R.
Caltagirone	Harhai	Nailor	Stevenson, T.
Cappelli	Harhart	Nickol	Sturla
Casorio	Harper	O'Brien	Surra
Causar	Harris	Oliver	Taylor, J.
Cawley	Hasay	O'Neill	Thomas
Civera	Hennessey	Pallone	Tigue
Clymer	Herman	Parker	True
Cornell	Hershey	Payne	Turzai
Corrigan	Hess	Petrarca	Veon
Costa	Hickernell	Petri	Wansacz
Crahalla	Hutchinson	Petrone	Waters
Creighton	James	Phillips	Watson
Cruz	Kauffman	Pickett	Wheatley
Denlinger	Keller, M.	Pistella	Williams
Dermody	Kenney	Preston	Wilt
DeWeese	Killion	Pyle	Wojnaroski
DiGirolamo	Kotik	Quigley	Wright
Diven	LaGrotta	Rapp	Youngblood
Eachus	Leach	Raymond	Yudichak
Ellis	Lederer	Readshaw	Zug
Evans, D.	Leh	Reed	
Evans, J.	Lescovitz	Reichley	
Fabrizio	Levdansky	Roberts	Perzel,
Fairchild	Mackereth	Rohrer	Speaker

NAYS-17

Cohen	Josephs	Ramaley	Stetler
Curry	Kirkland	Roebuck	Tangretti
Freeman	McCall	Samuelson	Vitali
George	Melio	Shapiro	Walko
Hanna			

NOT VOTING-1

Staback

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

The majority having voting in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

**CONSIDERATION OF HB 1348 CONTINUED**

The SPEAKER. The Chair returns to page 6 of today's House calendar, HB 1348, PN 3168.

It was the gentleman, Mr. Tangretti, that was recognized.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, it was my intent to attempt to suspend the rules to offer this amendment, but after discussions with the prime sponsor, the gentleman from Tioga County, it became apparent to me, because of the Attorney General's problems with this amendment, that I am not going to do that, but if you will permit just 30 seconds of what I wanted to do and I would hope we could get this done at some point with the prime sponsor's help.

Going back 2 or 3 years to hearings that we held relative to identity theft, it became apparent to many of us that the whole

issue of someone who is a victim of identity theft becomes further victimized by the fact that they cannot clear their name, and it takes an inordinate amount of time and energy to be able to go through the process of clearing their name and restoring their credit rating, and as a result, it seemed to many of us that maybe what we ought to do is have a clearinghouse to do that. I thought that a clearinghouse such as the Bureau of Consumer Protection in the Attorney General's Office made perfect sense to do that. Many people agree with me. Unfortunately, the Attorney General does not, and I think his concern is more relative to financial than otherwise. But nevertheless, the gentleman from Tioga has agreed to work with me with respect to this bill in the future, and I am hopeful that we can accomplish this one way or another.

Thank you, Mr. Speaker, for your indulgence.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Baker, rise?

Mr. BAKER. Thank you, Mr. Speaker.

I want to thank the previous speaker for his support and his level of cooperation in this matter, and I would be glad to work with him in the future on this.

This is a crime victims restitution bill on behalf of victims of identity theft, the fastest growing white-collar crime in America, and I want to thank the bipartisan support for this legislation – the Attorney General's Office, the Consumer Protection staff, Commerce staff, and the Judiciary staff for their wonderful support on this legislation. This legislation will move it from the Judiciary Code to the Crimes Code, and instead of making restitution optional by the judges, it will require and make it mandatory.

So this is a good consumer protection bill as well as crime victims restitution bill, and I would like to thank all the members in advance for their support.

The SPEAKER. The Chair thanks the gentleman.

The Chair has an amendment certificate for amendment 4852 filed by the gentlelady, Miss Mann. Does she still intend to offer that amendment? We would like to get a copy of the amendment, if that is possible.

The gentlelady withdraws.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-191

Adolph	Flick	Major	Rubley
Allen	Forcier	Manderino	Ruffing
Argall	Frankel	Mann	Sainato
Armstrong	Freeman	Markosek	Samuelson
Baker	Gabig	Marsico	Santoni
Baldwin	Gannon	McCall	Sather
Barrar	Geist	McGeehan	Saylor
Bastian	George	McGill	Scavello
Bebko-Jones	Gerber	McIlhattan	Schroder
Belardi	Gergely	McIlhinney	Semmel

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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.

**ANNOUNCEMENT BY MR. COHEN**

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen. For what purpose does the gentleman, Mr. Cohen, rise?

Mr. COHEN. To make an announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. COHEN. Mr. Speaker, I hereby give notice to the members of the House of my intention to call up Discharge Resolution No. 1 for a vote on or after the second legislative day following this notification.

The SPEAKER. The Chair thanks the gentleman.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1697, PN 2887**, entitled:

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

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

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

Mr. SAYLOR. Mr. Speaker, I want to ask for the indulgence of the members as I make a few short comments today concerning HB 1697.

This bill in particular goes a long way in prohibiting the transmission of spyware on our unsuspecting consumers and their computers. Computer spyware—

The SPEAKER. Will the gentleman suspend.

Does the gentleman wish to be recognized on final passage? The Chair apologizes. There are several amendments. It was our understanding that you had amendment 4653?

Mr. SAYLOR. Yes, Mr. Speaker. It is a technical amendment.

The SPEAKER. Okay.

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

Mr. SAYLOR offered the following amendment No. **A04653**:

Amend Sec. 1 (Sec. 7673), page 10, line 6, by removing the comma after "KNOWLEDGE" and inserting

or

Amend Sec. 1 (Sec. 7673), page 10, line 7, by striking out "OR" where it appears the first time

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

The following roll call was recorded:

YEAS—191

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

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. EACHUS offered the following amendment No. A03856:

Amend Title, page 1, line 2, by inserting after "the" offense of selling or furnishing liquor or malt or brewed beverages to minors resulting in injury or death and for

Amend Bill, page 1, by inserting between lines 7 and 8 Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 6310.8. Selling or furnishing liquor or malt or brewed beverages to minors resulting in injury or death.

(a) Bodily injury.—A person commits a misdemeanor of the second degree if that person sells or furnishes any liquor or any malt or brewed beverage to a person who is under 21 years of age and who suffers or causes another person to suffer bodily injury as a result of ingesting that liquor or malt or brewed beverage.

(b) Serious bodily injury.—A person commits a misdemeanor of the first degree if that person sells or furnishes any liquor or any malt or brewed beverage to a person who is under 21 years of age and who

suffers or causes another person to suffer serious bodily injury as a result of ingesting that liquor or malt or brewed beverage.

(c) Death.—A person commits a felony of the third degree if that person sells or furnishes any liquor or any malt or brewed beverage to a person who is under 21 years of age and who dies or causes the death of another person as a result of ingesting that liquor or malt or brewed beverage.

(d) Exception.—The provisions of this section shall not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonably, customarily and traditionally required as an integral part of the service or ceremony.

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

"Bodily injury." As defined in section 2301 (relating to definitions).

"Serious bodily injury." As defined in section 2301 (relating to definitions).

Amend Sec. 1, page 6, lines 15 and 16, by striking out all of said lines and inserting

Section 2. Chapter 76 of Title 18 is amended by adding a subchapter to read:

Amend Sec. 2, page 18, line 9, 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. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise and ask my colleagues to support amendment No. 3856. The content of this amendment is simple. For adults who provide alcohol to minors, I am asking for additional penalties against those adults. Right now I hear commercials on the radio – some of you may have heard those, too – that it is only a \$1,000 fine and potentially a very short term in jail for providing alcohol to minors. This improves the set of penalties that relate to the actions of that minor. Should an adult provide alcohol to a minor and that minor goes out, drives a vehicle, and kills someone, there is a felony penalty against the individual who provided that alcohol under this amendment, and it gets graduated down for assault and other kinds of activities that that minor may be involved with.

I think the key issue here is that we must create a disincentive for adults who think that in this Commonwealth it is okay to have and provide alcohol to minors. It is time that this Commonwealth step forward. You know, with all the advertising we see on television focusing on beer and alcohol advertising, focused, I think, frankly many times on minors, we need to set a higher standard, and I am asking those of us in the House today to support this amendment to make sure that those who provide alcohol to minors get an adequate penalty.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment from my friend and colleague from Luzerne County. The example that he just gave occurred in reality in my district not too many years ago. In fact, it resulted in the death of several individuals because an adult decided to provide alcoholic beverages to a group of minors.

This is a good amendment. I thank my good colleague from Luzerne County for adding it to this bill, and I ask that we all support it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Leach.

Mr. LEACH. Mr. Speaker, I would commend Representative Eachus. I have spoken to him at length about this amendment. I personally have a problem with the amendment, which is this: I do not think we should penalize people based on things, and maybe I am putting it the wrong way, I do not think we should let people off easy based on things they have no control over. But if two people sell alcohol to a minor or give alcohol to a minor, one goes out and kills someone and one falls asleep and does not hurt anybody, the conduct is the same, and my point has always been if we think that the penalty for selling alcohol to minors or giving alcohol to minors is too light, raise it for everybody. But do not let the guy who got lucky because the teenager that he gave alcohol to decided not to go out and drive a car, do not let him off easy, whereas the person who, you know, or two people could drive a car, one gets in an accident, one does not, it has nothing to do with the conduct of the person we are punishing, and to me, the whole theory of penology is that we punish people because they commit knowingly worse conduct. We punish them more because their conduct is worse. We do not punish two people whose conduct is identical for circumstances that are completely beyond their control.

And this is going to lead to a lot of litigation, Mr. Speaker. I can see circumstances where someone is in a car accident and the person dies, after getting alcohol from a defendant, and the person dies because of medical malpractice or because of some other superseding cause, and then what is the liability of that person? It does not make any sense. The best way to do this is, if we think the penalty is not enough, raise the penalty, but it should be based on the conduct and the intent of the person committing the crime, not on the luck of the person who is committing the crime.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

I would like to ask for an affirmative vote. My colleague on the other side of the aisle has a good amendment. I plan on talking to him later to figure out how he was able to get this amendment on the bill.

I have a HB 2030 that I have been working on for quite a while that does similar things, does not talk to the injury or the death; it just automatically penalizes the adult who furnishes liquor to a minor, and that speaks to the gentleman who just spoke, that I think we need to look at penalizing adults who give alcohol to our minors, whether it causes injury or not.

But I do support your amendment. I congratulate my colleague for being able to get the amendment on the bill, and hopefully, if we can get my bill 2030 to move, you will support it.

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—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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?



The SPEAKER. The gentelady, Miss Mann, has an amendment where we have only a certificate and not the actual amendment. Does the gentelady still wish to go forward with that amendment?

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair will temporarily go over the bill.

\* \* \*

The House proceeded to third consideration of **HB 1467, PN 2559**, entitled:

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

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

The SPEAKER. The gentleman, Mr. Stevenson, offers the following amendment, which the clerk will read. Is the gentleman offering 4749 first?

Mr. T. STEVENSON. Mr. Speaker, if we could have a moment? Thank you.

The SPEAKER. The House is temporarily at recess.

#### BILL SIGNED BY SPEAKER

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

#### **HB 1057, PN 3103**

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

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

#### COMMITTEE MEETING POSTPONED

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

Mr. HERSHEY. For the purpose of making an announcement.

The SPEAKER. The gentleman will proceed.

Mr. HERSHEY. The House Agriculture Committee meeting that was scheduled for tomorrow is postponed and rescheduled for next Tuesday, December 13, at 9:30 in room 148, Main Capitol. The Ag meeting for tomorrow is canceled.

Thank you.

The SPEAKER. There will be an Agriculture Committee meeting Tuesday, December 13, at 9:30 in room 148 of the Main Capitol.

#### CONSIDERATION OF HB 1467 CONTINUED

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

Mr. T. STEVENSON offered the following amendment No. **A04654**:

Amend Title, page 1, line 3, by inserting a period after "associations"

Amend Title, page 1, lines 3 and 4, by striking out "; and prescribing" in line 3 and all of line 4

Amend Sec. 2, page 2, lines 13 and 14, by striking out all of lines 13 and "WARRANTY. THE" in line 14 and inserting by applicable statutory law. If no written express warranty or applicable statutory warranty provides a definition, the

Amend Sec. 2, page 2, line 28, by inserting after "additions" or appurtenances

Amend Sec. 2, page 3, line 3, by striking out "OR REPRODUCER"

Amend Sec. 5, page 5, lines 22 and 23, by striking out "reports by consultants that describe" and inserting evidence that describes

Amend Sec. 5, page 7, line 15, by removing the period after "rejection" and inserting to the contractor and include the specific reasons for the claimant's rejection.

Amend Sec. 5, page 7, by inserting between lines 20 and 21

(4) After submitting notice under section 3, a claimant may not initiate an action without conducting an in-person meeting with the contractor in a good faith attempt to resolve the dispute. In the case of an association claimant, a majority of the association's board of directors shall attend the meeting. A meeting is not required if the contractor has failed to timely respond to a claimant's notice or refused or ignored a request for a meeting.

Amend Sec. 5, page 8, by inserting between lines 25 and 26

(h) Right of action.—If a claimant rejects a reasonable monetary offer or reasonable supplemental monetary offer or does not permit the contractor to repair the defect pursuant to an accepted offer to repair under subsection (e), the claimant may not recover an amount in excess of:

(1) the fair market value of the offer to repair the construction defect or the actual cost of the repairs, whichever is less; or

(2) the amount of the monetary offer of settlement.

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

Amend Sec. 5, page 9, line 17, by striking out "(i)" and inserting (j)

Amend Sec. 5, page 9, line 23, by striking out "(j)" and inserting (k)

Amend Sec. 5, page 9, line 27, by striking out "(k)" and inserting (l)

Amend Bill, page 11, lines 1 through 30; page 12, lines 1 through 11, by striking out all of said lines on said pages and inserting Section 7. Destructive test.

No claimant may employ a person to perform destruction tests to determine any damage or injury to a dwelling caused by a construction defect unless reasonable prior notice and opportunity to observe the tests are given to the contractor against whom an action may be brought as a result of the test.

Section 8. Contractor employed by claimant.

A claimant may, without giving notice to the contractor, employ a contractor and such other persons as are necessary to make such immediate repairs to a dwelling as are required to protect the health, safety and welfare of the occupants.

Amend Sec. 10, page 12, line 12, by striking out “10” and inserting

9

Amend Sec. 11, page 12, line 15, by striking out “11” and inserting

10

Amend Sec. 11, page 12, lines 17 and 18, by striking out “or to complete a remodeling project on a dwelling”

Amend Sec. 11, page 12, line 19, by striking out “AND ANYONE THE CONTRACTOR ENTERS INTO A CONTRACT WITH” and inserting

or buyer

Amend Sec. 11, page 12, line 23, by striking out “a lawsuit” and inserting

any action

Amend Sec. 11, page 12, line 25, by striking out “or completed your remodeling project”

Amend Sec. 11, page 12, line 30, by striking out “lawsuit” and inserting

action

Amend Sec. 11, page 13, line 5, by striking out “DOCUMENTARY”

Amend Sec. 11, page 13, line 6, by inserting after “POSSESSION”

that described the defect

Amend Sec. 11, page 13, line 6, by striking out “DOCUMENTARY”

Amend Sec. 11, page 13, line 7, by striking out “DOCUMENTARY”

Amend Sec. 11, page 13, line 8, by striking out “LAWSUIT” and inserting

action

Amend Sec. 11, page 13, line 11, by inserting after “COURT”

or other trier of fact

Amend Sec. 11, page 13, line 14, by striking out “a lawsuit” and inserting

an action

Amend Sec. 11, page 13, line 24, by striking out “THE” where it appears the third time

Amend Sec. 12, page 13, line 25, by striking out “12” and inserting

11

amend Sec. 13, page 14, line 13, by striking out “13” and inserting

12

On the question,

Will the House agree to the amendment?

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

Mr. T. STEVENSON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment seeks to change the bill in several different ways. There are technical language changes. If the claimant rejects the settlement, they must give a reason for the rejection. It requires a face-to-face interview between the claimant and contractor in making a good-faith attempt to settle any dispute. If the claimant rejects a reasonable offer by the contractor, the claimant can – and that reasonable offer is determined by the court – the claimant can only recover the fair market value of the offer to repair or the actual cost of repairs or what the money, the settlement offer, amounted to.

We are applying destructive testing to all claimants now, just not associations, and we have added a section that claimants can employ contractors to do immediate repairs if those repairs are necessary to protect the health, safety, and welfare of the

occupants. We are removing remodeling projects from the bill, and we have removed certain provisions that only affect homeowners’ associations, and those were the changes that were inserted by this amendment.

The SPEAKER. On the Stevenson amendment, the Chair recognizes the gentlelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman stand for a brief interrogation?

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

Ms. MANDERINO. Mr. Speaker, I have a couple of questions about some of the provisions in this amendment. The first one I want to ask about – I am sorry; I am shuffling through many different versions of all the amendments that were filed here – but I believe the language has been renamed under section (h) to be titled “costs of repair” or “cause of action” – “Right of action.” That is the first place that I want to draw your attention.

I am not on the Urban Affairs Committee, out of which this bill was reported, but I understand that this language with regard to “Right of action” that is in the current amendment before us had been in the original bill, was changed in committee, and this amendment would take out what was put in committee and put the original language in. Am I just correct on the substance?

Mr. T. STEVENSON. That is correct.

Ms. MANDERINO. Okay. Are you in a position to explain to me, since I cannot make the arguments that were made in committee, what the difference between the two sections, what the difference is between the section (h) “Right of action” you now want to put in and the section (h) that was put in by the committee?

Mr. T. STEVENSON. There is no difference between the language that was taken out and the language which we are putting back in.

Ms. MANDERINO. I am sorry. Maybe I did not ask the question correctly. I thought in the bill as it came out of committee, this language, “Right of action,” had been deleted and there was a different section (H) entitled “REASONABLENESS OF MONETARY OFFER OR OFFER TO REPAIR” that had been inserted, and they look physically different to me, but since I was not on the committee, I was trying to understand the practical effect of the changes of the language of the two section (h)s.

Mr. T. STEVENSON. Yes. Mr. Speaker, sections were just renumbered and retitled.

Ms. MANDERINO. Mr. Speaker, in the bill in chief as it came out of committee, on page 8, beginning on line 26, there is a letter (h) called “Right of action” that has deletion lines through it, and then on the next page, page 9 of the bill as it came out of committee, there is an insertion of a different (H) called “REASONABLENESS OF MONETARY OFFER OR...REPAIR.” In your amendment, if I am reading the amendment correctly, you are reinserting the “Right of action” language that was stricken out by the committee, and I assume that you are also, by reinserting that language, deleting the section (h) language that the committee put in, and I am trying to understand the differences between those two section (h)s and what it means to consumers in Pennsylvania.

Mr. T. STEVENSON. The committee changed the bill by deleting subsection (2) on page 9 and renaming it subsection (H), capital H. It had been (h)(2), Mr. Speaker.

Ms. MANDERINO. Thank you, Mr. Speaker.

I have finished my interrogation, and I would like to speak on the amendment.

I apologize to the House that I am at a little disadvantage, because I was not at the committee, but clearly the maker of the amendment and I are reading the same language very differently. It appears to me that this amendment we are asking to be considered, 04654, is putting in limitations on consumers' rights that are provided under our consumer protection and unfair business practices law, that when this was debated in committee had been taken out. Since I have an amendment posted to every version of this bill, I think, that would go to this, I have been watching this particular amendment, and so I only feel qualified to talk about this particular amendment or this particular part of the amendment. But as best I can determine, this version of the Stevenson amendment, for those of you who were very concerned about the fact that there were some provisions in this bill that put the homeowner at a severe disadvantage to the homebuilder in negotiations of any problems with repairs, it is my belief that this current version of the amendment is worse from a consumer protection point of view than the bill as it came out of committee. So therefore, I would recommend that we vote "no" on this amendment.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

In response, actually, the bill is really a strong proconsumer bill. It is not anticonsumer. The committee put language in that if the contractor fails to make a reasonable offer, the claimant has all the remedies available under the law, which means the Unfair Trade Practices Act that the previous speaker was referring to, and they can go after treble damages and attorney's fees if an unreasonable offer was made by the contractor. That is definitely proconsumer.

The intent of this bill is to unclog our court system with construction defect cases. At least 25 other States have similar legislation. The only State that has been studied is Colorado, and they found that 60 percent of their construction defect cases are no longer being filed. They are being settled under the mediation process, which we propose to institute in Pennsylvania. Therefore, I ask the members to support this amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen. For what purpose does the gentleman rise?

Mr. COHEN. I would like to interrogate Mr. Stevenson.

The SPEAKER. The gentleman is in order. The gentleman, Mr. Stevenson, indicates he will stand.

Mr. COHEN. Mr. Speaker, what is a reasonable offer?

Mr. T. STEVENSON. That is determined by the trier of fact. Under the bill, and normally, reasonableness in any court proceeding is determined by the trier of fact.

Mr. COHEN. And if it is like any other court proceeding that is determined by the trier of fact, reasonableness can be appealed, can it not?

Mr. T. STEVENSON. I believe so.

Mr. COHEN. So this would start in common pleas court, I believe, or would it start before an arbitrator?

Mr. T. STEVENSON. It could start in arbitration.

Mr. COHEN. And then it could be appealed to the court of common pleas?

Mr. T. STEVENSON. From there, yes.

Mr. COHEN. And then it could be appealed on to the Superior Court, I guess—

Mr. T. STEVENSON. Generally, yes.

Mr. COHEN. —of jurisdiction, and then it could be appealed to the Supreme Court?

Mr. T. STEVENSON. Correct.

Mr. COHEN. Thank you.

I have no further questions, but I would like to make a statement.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this seems to place a series of obstacles before prospective plaintiffs. Hopefully the housing industry will continue to gain in Pennsylvania. Hopefully there will be many new houses built. I know in Philadelphia we are fortunate that we have many new houses being built, which is a dramatic reversal from what we had in prior years, and in many parts of this Commonwealth, we traditionally have had a strong housing market and we continue to have a strong housing market.

I think the burden on this amendment and this bill is to show why the need is great, and this amendment and this bill takes powers away from consumers. It creates obstacles on them from getting recovery in cases of need. And I do not believe Mr. Stevenson's discussion about the problems of courts is relevant. This creates problems for consumers, and it ought not to create problems for consumers. I think that if you view consumers as people who need help in solving problems, this is not a proconsumer bill. It may be a pro-reduce-court-backlog bill, but it is not a proconsumer bill, as I see it.

I would urge a "no" vote on this amendment and on the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Stevenson amendment.

The legislation would require homeowners and builders to work together to directly resolve their construction defect disputes for 75 days. It allows consumers who are dissatisfied with a builder's offer to pursue litigation. In 27 States, 27 State legislatures agree and have already passed a comprehensive requirement to repair legislation, which is exactly what this does.

I would say that these other States are far ahead of us. It is time that we got on board with this, and I would support the Stevenson amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the amendment?

The SPEAKER. The gentlelady is in order.

Ms. HARPER. First I would like to say that my colleague is trying to do a good thing in addressing the problem of shoddy workmanship in home contracts in Pennsylvania. However, I am opposed to this amendment because I have a better amendment, which is also filed and which will be coming later.

One of the big problems with suing in the homebuilding industry is that the cost of the repair does not justify the attorney's fees necessary to bring the lawsuit. So even if the

consumer wins, he cannot afford to do the job. Unfortunately, the Stevenson bill was amended in committee and improved, and this amendment would set it back. I have an amendment that would allow for a reasonable time for repair, give both parties ample incentive to repair, and would not hurt the consumer, and I would urge the members to defeat this amendment and to wait for the Harper amendment, which is coming.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Stevenson amendment to HB 1467.

The residential construction dispute resolution issue is not a new one. I believe that my colleague from Lycoming County introduced a similar bill last session, and we have spent the last 2 1/2 years working with the Builders Association, with consumer groups, with all interested parties, to try and do two important things – to protect consumers who are having a home built for them and to stop the inflow of in many cases meaningless and costly litigation into our county court system – processes that can be resolved outside of the courts by placing the complainant and the contractor together, giving them both a clear time frame in which to file a complaint, to have that complaint reviewed and responded to and hopefully resolved outside of court.

We have to begin somewhere, and I believe the Stevenson legislation and this amendment A04654 accomplishes that. It stops the senseless litigation. It gives both parties a clear process and timeline in which to resolve this dispute. If a dispute reaches an impasse, the rights of the complainant are still there to bring an action in court and to recover costs and attorney's fees.

Let us get beyond this consumer complaint mirage. This is not about consumer complaints or denying consumers the right to certain rights. This is about making a process that is out of control more understandable and more manageable by both parties, and I urge concurrence with the Stevenson amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. T. STEVENSON. Thank you, Mr. Speaker.

One last thing. I would just like to remind the members that this is proconsumer. There are no obstacles being placed to the consumer. What we are doing is, through this legislation, allowing the consumer to settle early while the statute of limitations is being tolled, so no harm, no foul, and they can settle early and save attorney's fees for the long, protracted battle which Representative Cohen had referred to might occur. Hopefully it will not occur if my amendment goes in.

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—162

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

## NAYS—29

Bebko-Jones	Gerber	McIlhinney	Siptroth
Bishop	Grucela	Melio	Taylor, J.
Blackwell	Harper	Mundy	Thomas
Cawley	James	Myers	Vitali
Cohen	Josephs	Parker	Walko
Cruz	Leach	Roebuck	Williams
Curry	Manderino	Samuelson	Youngblood
Freeman			

## NOT VOTING—0

## EXCUSED—12

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Daley	Donatucci	Rieger	Yewcic

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. The Chair at this time recognizes the gentlelady, Ms. Manderino, who offers the following amendment. Ms. Manderino, which one would you like to do first?

Ms. MANDERINO. Mr. Speaker, it is my understanding that 3151 is in order.

The SPEAKER. 3151.

On the question recurring,

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

Ms. MANDERINO offered the following amendment No. **A03151**:

Amend Sec. 5, page 9, lines 7 through 17, by striking out all of lines 7 through 16 and “(i)” in line 17 and inserting

(h)

Amend Sec. 5, page 9, line 23, by striking out “(j)” and inserting

(i)

Amend Sec. 5, page 9, line 27, by striking out “(k)” and inserting

(j)

On the question,

Will the House agree to the amendment?

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

Ms. MANDERINO. Thank you, Mr. Speaker.

This amendment goes directly to the section (h) that I referred to in my earlier comments, and with just a little bit of background, I think that the broader purpose of this legislation is a laudable one. It is setting up a procedure for remedying construction defects and requiring the consumer to go through that procedure before they file a legal cause of action, and I think that is a commendable approach and, quite frankly, one that many builders are already using voluntarily as they write them into their construction contracts, and this would just make it clear that it is a procedure across the State.

But what is not fair about part of the procedure is that section (h) is designed to take consumers out of Pennsylvania’s unfair business practices act and consumer protection law. And as one of the prior speakers who spoke against the last amendment said, the way section (h) is drafted, a consumer can, quote, unquote, “win and still lose,” because they can go to court and get a recovery to repair, but by the time they have paid the legal costs that they incurred, they will not have enough money left to put the new roof on their house or to repair the defective stucco. That is why our consumer protection laws are written the way they are. They recognize that in these kinds of transactions with builders, big manufacturers, other big entities, that the individual consumer is at a disadvantage in bringing their claim, and our consumer protection laws level that playing field.

My amendment would strike out just that language in section 8 that goes to defining a new cause of action or reasonableness of a recovery standard that is different than our Pennsylvania Consumer Protection Law, and by striking out that language, it leaves our current Pennsylvania Consumer Protection Law in place for the consumers of Pennsylvania. At first blush it may look like this language is not creating an unfair balance, but if you look at the language, you will see that

there are penalties against a consumer who, by no standard that is defined in law, it is later determined did not think something was reasonable, but there is not a balancing protection if the builder’s offer was not reasonable. All of the penalties as set up in section (h) currently defined in the bill are against the consumer, so that is why I want to remove them, because I think our consumer protection laws of Pennsylvania have worked very well for our consumers, for our homeowners, and there is no reason to upset the balance.

Homebuilding and home construction is growing all across Pennsylvania. In the city of Philadelphia, we are seeing a lot of new construction, and I know that there are other growing counties across Pennsylvania where your rates of new construction are just phenomenal. I think the last thing that we want to do is to put those homeowners who have sunk their life savings, their dream of home ownership, into a home at a disadvantage and hold them over the barrel in accepting an offer or risk losing not coming out on the whole if they go to court.

So vote “yes” on this amendment, strike out the section 8 language, and leave our current consumer protection laws in place for the consumers of Pennsylvania.

## LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The majority whip requests a leave of absence for the gentleman from Bucks, Mr. CLYMER. Without objection, that leave will be granted.

## CONSIDERATION OF HB 1467 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

I would like to refer everyone to the original bill, PN 2559, on page 9, lines 14 through 16, and those lines basically provide that if a contractor fails to make a reasonable offer, the act shall not limit the remedies available to the claimant, which means the claimant can file an unfair trade practices act. This is the section that the maker of the amendment wants to delete. She wants to delete a proconsumer section in this bill.

I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

Does the gentlelady, Ms. Manderino, wish to be recognized again? The Chair recognizes the gentlelady.

Ms. MANDERINO. Thank you, Mr. Speaker.

I was fumbling through all my papers looking for this when I was speaking in chief, but I would like to at least give the analysis that I had from the, I believe it is the real property section of the Pennsylvania Bar Association that is made up of practitioners that do all kinds from both sides. I am sorry; it was the real estate, probate, and trust law section that analyzed section 8 of this bill.

Perhaps the most troubling aspect of this proposal is found in section (h). This provision imposes certain penalties against homeowners who reject a reasonable settlement offer. Interestingly, there is no corresponding provision providing for penalties against builders who reject a reasonable settlement demand.

The penalties imposed against the claimant who rejects a reasonable settlement offer are that the consumer’s ultimate

recovery will be limited to the amount of the offer or the actual cost of repairs, whichever is less. Furthermore, the claimant who rejects a reasonable settlement offer will not be entitled to any recovery he would otherwise have been entitled to under the Unfair Trade Practices and Consumer Protection Law of Pennsylvania.

In summary, section (h) provides substantial penalties for a claimant but not against a contractor who unreasonably refuses to settle. It introduces a new layer of posttrial litigation regarding the reasonableness of a rejected settlement offer, which juries in particular will seem ill-equipped to handle. In the section's view, meaning the probate and real estate property section's view, the litigation process would be more complicated and more expensive, and I just wanted to read that into the record as well and ask again for an affirmative vote on my amendment.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect to the gentlelady from Philadelphia, I have to disagree with her characterization of the nature of this amendment. I come from an area which is experiencing severe amounts of growth – we have a lot of land being developed – and when this bill initially came before the Urban Affairs Committee, I was quite concerned about some of the impacts of it. But Representative Stevenson, with the amendment which we just adopted, has addressed a lot of those concerns. Let me point out that one of the issues, I think, the lawyers had was on this limitation of damages that would be applicable under Representative Stevenson's version, and the key here is that the trier of fact can determine if the contractor made a reasonable offer, considering not only out-of-pocket damages but if for some reason a claimant wanted to say, I suffer from depression because of the failure of the contractor to do this, a whole host of noneconomic damages, the trier of fact can determine that.

And most importantly, as Representative Stevenson referred to earlier this afternoon, the second part of section (h) says that if the contractor does not make a good-faith effort, then the claimant is not restricted in any way to damages. So I think it is very important for members who are concerned about what the potential impact is on home buyers or home purchasers, that this amendment actually, not only had the Stevenson amendment set up a strict time frame in which a homeowner can go to the contractor or the construction agent and say, look, there is something wrong here; I need a remedy – you have a specific time frame to work that in – but now the damages are much more equitably distributed. There is an incentive for resolution of these claims prior to it reaching the point of litigation.

I urge the members to defeat the Manderino amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-51

Barrar	Freeman	McCall	Stetler
Bebko-Jones	Gannon	McGeehan	Sturla
Belardi	Gerber	Melio	Tangretti
Bishop	Grucela	Mundy	Taylor, J.

Blackwell	Haluska	Myers	Thomas
Butkovitz	Harper	O'Brien	Tigue
Caltagirone	James	Parker	Vitali
Cawley	Josephs	Petrone	Walko
Cohen	Kirkland	Roberts	Waters
Cruz	Leach	Roebuck	Wheatley
Curry	Lederer	Samuelson	Williams
Evans, D.	Levdansky	Sipthoth	Youngblood
Frankel	Manderino	Staback	

NAYS-139

Adolph	Flick	Major	Rooney
Allen	Forcier	Mann	Ross
Argall	Gabig	Markosek	Rubley
Armstrong	Geist	Marsico	Ruffing
Baker	George	McGill	Sainato
Baldwin	Gergely	McIlhattan	Santoni
Bastian	Gillespie	McIlhinney	Sather
Belfanti	Gingrich	McNaughton	Saylor
Benninghoff	Godshall	Metcalfe	Scavello
Biancucci	Good	Micozzie	Schroder
Birmelin	Goodman	Millard	Semmel
Blaum	Grell	Miller, R.	Shapiro
Boyd	Gruitza	Miller, S.	Smith, B.
Buxton	Hanna	Mustio	Smith, S. H.
Cappelli	Harhai	Nailor	Solobay
Casorio	Harhart	Nickol	Sonney
Causar	Harris	Oliver	Stairs
Civera	Hasay	O'Neill	Steil
Cornell	Hennessey	Pallone	Stern
Corrigan	Herman	Payne	Stevenson, R.
Costa	Hershey	Petrarca	Stevenson, T.
Crahalla	Hess	Petri	Surra
Creighton	Hickernell	Phillips	True
Denlinger	Hutchinson	Pickett	Turzai
Dermody	Kauffman	Pistella	Veon
DeWeese	Keller, M.	Preston	Wansacz
DiGirolamo	Kenney	Pyle	Watson
Diven	Killion	Quigley	Wilt
Eachus	Kotik	Ramaley	Wojnaroski
Ellis	LaGrotta	Rapp	Wright
Evans, J.	Leh	Raymond	Yudichak
Fabrizio	Lescovitz	Readshaw	Zug
Fairchild	Mackereth	Reed	
Feese	Maher	Reichley	Perzel,
Fichter	Maitland	Rohrer	Speaker
Fleagle			

NOT VOTING-0

EXCUSED-13

Beyer	Dally	Habay	Shaner
Bunt	DeLuca	Keller, W.	Taylor, E. Z.
Clymer	Donatucci	Rieger	Yewcic
Daley			

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?

The SPEAKER. The gentlelady has a second amendment, which the gentlelady waives off.

On the question recurring,

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

Ms. **HARPER** offered the following amendment No. **A04651**:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Providing for a dispute resolution period between contractors and homeowners for claims relating to residential construction defects.

Amend Bill, page 1, lines 7 through 14; pages 2 through 13, lines 1 through 30; page 14, lines 1 through 14, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Residential Construction Defect Resolution Act.

Section 2. Definitions.

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

“Action.” A civil lawsuit, judicial action or arbitration proceeding asserting a claim, in whole or in part, for damages or other relief in connection with a dwelling caused by a construction defect.

“Claimant.” Any person who asserts a claim concerning a residential construction defect.

“Construction defect.” The term means a matter concerning the design or construction or remodeling of a dwelling or addition to a dwelling or an appurtenance to a dwelling on which a person has a complaint against a contractor.

“Contractor.” A person, firm, partnership, corporation, association or other organization that is engaged in the business of developing, constructing or selling newly constructed dwellings or remodeling dwellings or constructing additions to an existing dwelling. The term includes an owner, officer, director, shareholder, partner or employee of a contractor. For purposes of this act, the term also includes an industrialized housing manufacturer. The term does not include a real estate agent, broker or a contractor who only makes repairs to an existing dwelling or who installs a new device or appurtenance with costs less than \$2,000.

“Dwelling.” A single-family house or duplex. The term includes a multifamily unit designed for a residential use in which title to each individual unit is transferred to the owner. Under a condominium or cooperative system, the term includes common areas and improvements that are owned or maintained by an association or by members of an association. The term also includes the system, other components, improvements, other structures and recreational facilities that are appurtenant to the house, duplex or multifamily unit but not necessarily a part of the house, duplex or multifamily unit. For purposes of this act, the term also includes industrialized housing.

“Industrialized housing.” A structure designed primarily for residential occupancy, and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. §§ 5401-5426).

“Industrialized housing manufacturer.” A person, firm, partnership, corporation, association or other organization involved in the process of making, constructing, fabricating, forming or assembling, in a manufacturing facility, for installation or assembly and installation on the building site, industrialized housing from raw, unfinished or semifinished materials.

“Serve” or “service.” For an individual, delivery by certified mail, return receipt requested, to the last known address of an addressee. For a corporation, limited partnership, limited liability company or other registered business organization, the term means delivery to the registered agent or other agent for service of process authorized by the laws of this Commonwealth.

Section 3. Notice and opportunity to repair.

(a) Notice.—In every action subject to this act, the claimant shall, no later than 90 days before initiating an action against a contractor, provide service of written notice of claim on the contractor. The notice of claim shall state that the claimant asserts a construction defect claim or claims and is providing notice of claim pursuant to the requirements of this act. The notice of claim shall describe the claim or claims sufficiently to explain the nature of the alleged construction defects and the results of the defects.

(b) Service.—Service of the notice of claim shall be the equivalent of service of a lawsuit or demand for arbitration with respect to imposing on the contractor a legal obligation to pay as damages the cost of any repairs and/or monetary payment made to settle the claim.

Section 4. Personal injury or death claims.

This act shall not apply to any claim for personal injury or death.

Section 5. Procedure.

(a) Contents of notice.—

(1) In an action under this act, the claimant shall, at least 90 days before initiating the action against a contractor, provide service of written notice of claim on the contractor. The notice of claim shall:

(i) State that the claimant asserts a construction defect claim and is providing notice of claim pursuant to the requirements of this act.

(ii) Describe the claim sufficiently to explain the nature of the construction defect and the result of the defect.

(2) Service under this subsection shall toll all applicable statutes of limitation until 90 days after receipt of notice of claim.

(b) Right to repair.—At any time within 90 days of the receipt of notice, a contractor shall have a reasonable right to repair the construction defect, and the claimant shall provide reasonable and timely access to the dwelling.

(c) Claimant’s ability to bring an action.—If the contractor fails to respond to the claim or does not make satisfactory repairs necessary to correct the construction defect, the claimant may bring an action against the contractor for the defect described in the notice of claim without further notice, notwithstanding the 90-day time period set forth under subsection (a).

(d) Construction defects involving physical safety of occupants.—If a construction defect poses an imminent threat to the physical safety of the occupants of the dwelling, the notice shall so advise the contractor, and the contractor shall have 15 days after receipt of the notice to make reasonable interim repairs to maintain the structural integrity of the dwelling.

Section 6. Applicability.

This act shall apply as follows:

(1) This act shall not affect a contractor’s right to seek contribution, indemnity or recovery against a subcontractor, supplier or design professional for any claim made against the contractor by a claimant.

(2) This act shall apply regardless of the date of sale or substantial completion of a dwelling, consistent with 42 Pa.C.S. § 5536 (relating to construction projects).

(3) This act shall not restrict, modify or alter or otherwise interfere with the obligations, term or conditions of an insurance policy.

(4) This act shall not apply to an insurer asserting a claim against a contractor for payments made by the insurer pursuant to an insurance policy covering the dwelling. A claim under this paragraph shall not be prejudiced, reduced or

otherwise modified because of the failure of the claimant to comply with this act.

Section 7. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Ms. HARPER. Thank you, Mr. Speaker.

This is the amendment you have all been waiting for. Okay.

What my amendment does is it makes the whole process a lot simpler. It simply provides that homeowners and builders must take 90 days before any lawsuit is filed to allow the builder to try to repair the damages or the defective construction. There are no penalties for the builders; there are no penalties for the consumers. It does allow a cooling-off period and a repair period.

Unlike the bill in chief, without my amendment the bill in chief is very anticonsumer, so much so that it requires a notice to the consumers of the rights they are losing by signing a contract to build a home. My bill is very simple. I would ask you to approve my amendment because it does what the homebuilders want, which is have 90 days, more than the 60 in the main bill, 90 days to repair. It requires the homeowner to allow the builder to repair, and it does not have any penalties whatsoever for the home buyer or the owner of the property.

It is exactly what we need, and I would urge you all to please support this. Otherwise, the bill in chief is a most anticonsumer, nasty piece of legislation.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

Mr. Speaker, the amendment at hand has no procedures set forth in it to make an offer, to accept the offer, how the repairs are to be done, whether inspections are allowed, whether testing will be allowed. It is deficient. It is anticonsumer because of these deficiencies. It places the consumer in a position that they really do not know what the next step is. This amendment also allows the parties to bargain in bad faith, which is not the intent of the overall bill in settling disputes and getting them out of our court system.

I ask for a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Harper amendment.

Mr. Speaker, the bill lays a good foundation, the Harper amendment puts some structure on that foundation, and I do not think that there is anybody on either side that can disagree with the need for a cooling period, a period in which the parties can resolve outstanding differences before you get involved in protracted litigation. Ninety days represents that cooling period in which the contractor can address actual defects. And, Mr. Speaker, I do not think that that is unreasonable, nor do I think that it is anticonsumer or antibuilder. It represents a cooling-off period – a cooling-off period – a period in which the parties quite possibly can resolve their differences and not have to go down the path of unnecessary or protracted litigation.

Mr. Speaker, thank you for the balance. Support the Harper amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentlelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I, too, rise in support of the Harper amendment. I think that it is fair to say that everyone's intentions are to provide a fair playing ground and to be proconsumer in these kinds of construction disputes. Maybe part of the problem is we were making it way too complicated to figure out which procedure was actually proconsumer. I think Representative Harper has hit on a very simplistic, straightforward, easy-to-understand approach to a right-of-repair bill.

I think it makes a lot of sense for the builders and the consumers in our Commonwealth, and I think it makes sense that we all vote "yes."

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the gentlelady's amendment. I agree with Representative Stevenson. This idea of this bill somehow being anticonsumer, that is an easy thing to say. It is a very easy thing to say when we do not like something, when it is not exactly the way we want it to be. You know, we throw out these buzzwords like that it is anticonsumer or it is somehow going to hurt the public. That is not the case. The whole idea of this bill and what the efforts of Mr. Stevenson are is to try to make it better for the public. It may not be perfect, but this is, I think, a bill that has come a long way. We deserve to run it cleanly, so to speak. There have been a lot of negotiations that have gone on behind the scenes to try to get the bill to this point in time, and I would ask that we vote against this particular amendment and run the bill that way.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I ask the members to support the Harper amendment. The Harper amendment puts this bill in balance. Looking at the bill with the amendment that we have just previously placed in skews this bill so heavily against the home purchaser. Somebody who has made a tremendous investment, the biggest, most expensive item that they will ever own, has put themselves heavily in debt, and this bill, the way it is drafted right now, is so lopsided against that individual. Just looking at that segment which talks about the procedures, just a cursory reading of those shows that there is a conflict with our evidentiary procedures which are controlled by the courts. The court determines who is qualified as an expert. The court determines what evidence is credible or not credible or persuasive or not persuasive, what evidence is going to go before the finder of fact. This bill, as presently written, attempts to preempt the court's rights to make those determinations and affects the rights not only of the consumer but could possibly affect the rights of the contractor against whom a claim is being made.

For example, the bill says, well, if you do not provide me with a document that supports your claim that would be evidence to support your contention that there was a problem with the construction, the bill says, well, now you cannot bring that into evidence if you are permitted to file an action against the contractor to recover, but it does not say that you cannot file interrogatories or take depositions or have motions to produce filed against a person, force them to bring that evidence in or



require them to bring it in as you are under our current jurisprudence, and yet you can turn around to that person, because the statute says so, and say, well, you cannot introduce that as evidence to the fact-finder to help them make a determination. That just so unfairly balances this process against the consumer that it deeply concerns me.

I believe that the Harper amendment strikes a balance. As she said, it permits a cooling-off period. It lets both parties sit down to attempt to resolve their differences, try to come to a reasonable conclusion, but it does not force down the throat of this purchaser, this person who has made this lifetime investment, a process that is so onerous, so lopsided, and so expensive. This process is going to be costly for that person who wants to make a claim.

We should streamline it, make it easy, try to keep it out of litigation as much as possible, try to have these parties resolve their differences in an equitable fashion, and I believe the Harper amendment does that, and I ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

Brief interrogation of the maker of the amendment, Mr. Speaker.

The SPEAKER. The gentlelady is in order.

Mrs. TRUE. Mr. Speaker, just a clarification. When you were giving your remarks, you mentioned that this is something that the builders wanted. Does the Pennsylvania Builders Association support your amendment?

Ms. HARPER. Mr. Speaker, actually the homebuilders do not support my amendment. They would prefer the bill in chief without my amendment, because it is much more in their favor than the amendment that I have offered. However, the homebuilders do want a right to repair, and my amendment does give the 90-day cooling-off period and a right to repair, and it is a much more fair way to deal with what they want, which is the right to repair. They do not support my amendment because my amendment takes out all the penalties for the consumers that are in the bill in chief. So the homebuilders would prefer the bill in chief, which is weighted much more heavily in their favor.

Mrs. TRUE. Thank you, Mr. Speaker.

A comment on the amendment.

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

Mrs. TRUE. Thank you, Mr. Speaker.

I would just urge a "no" vote on the Harper amendment. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and places the gentleman, Mr. ROHRER, on a leave of absence for the remainder of the day.

### CONSIDERATION OF HB 1467 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

In contrast to some of the statements made by earlier speakers, I would just like to characterize the 90-day so-called cooling-off period afforded under the Harper amendment

against the time frame which we have already enacted with the Stevenson amendment. The Stevenson amendment actually keeps things much more on track, prevents foot-dragging by lawyers on either side, and hopes to find satisfactory settlement of these disputes without going through needless litigation.

There were statements made that you cannot qualify the expert reports. Well, this is all meant to prevent people from going to court. But the Stevenson amendment provides 75 days, not the 90 that the Harper amendment would have, 75 days before filing an action, a homeowner must give the builder written notice of the defect claim. The builder must then respond within 15 days, offering either an offer to repair without inspecting or an offer to settle without inspecting or to request an inspection. Another 15 days then kicks in for the builder to conduct the inspection. After the inspection is conducted, they respond to the homeowner within 15 days, all eventually leading to hopefully a settlement of this.

This amendment would be favored, I think it is fair to say, by the lawyers who want to continue to have litigation, drive up costs, hammer the contractors and the construction industry with expensive depositions and needless lawsuits, and I would urge a "no" vote on the Harper amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I, too, rise to oppose the Harper amendment. While it may be very well-intended and it might look good on the surface, one of the number one things that is killing a lot of our small contractors and builders is these types of litigative situations, many of which that do not have a lot of capital, would be working from job to job. I think it is important to reiterate something that Representative Reichley said, and that is, under the Stevenson amendment, there are provisions in a very timely fashion for people to get these problems taken care of. More importantly, if you file a complaint with your builder, within 15 days if they do not respond to that, you can go straight to court. Why sit around and wait for 90 days?

This amendment, in my opinion, is nothing more than a delay and a stall tactic, and as someone who had worked in the building profession in the past and got out of it for many of these very same reasons, I would ask you very strongly to vote "no" to the Harper amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I would like to correct two misimpressions of my amendment. Right now homeowners, home buyers, are protected by the Pennsylvania Consumer Protection Law. If the bill passes without my amendment, they will lose very important protections under the Pennsylvania Consumer Protection Law. That is why I characterize the bill as unamended as anticonsumer, because it is.

Secondly, I would like to read my procedure for the cooling-off period. "Right to repair.—At any time within 90 days of the receipt of notice," of the defect, "a contractor shall have a reasonable right to repair the construction defect, and the claimant shall provide reasonable and timely access to the dwelling."

I have much experience in this area, and I believe that 90 days will give the parties a chance to work out those situations which can be worked out by repairs, and if they cannot, we are not going to be hurting the home buyer, who sunk his life savings into this asset, by taking away his rights under the Consumer Protection Law. Please vote “yes” on the Harper amendment.

Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman, Mr. Feese, rise? The gentleman is in order.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, we have heard a number of individuals discuss the amendment based on the substance of the amendment and a number of individuals express their opinion about how the amendment would impact litigation involving or disputes involving a consumer and a builder, so I thought I would throw my two cents in.

Mr. Speaker, I have had the privilege to represent numerous plaintiffs in construction cases through my career as a trial lawyer, and from their perspective, at least from my perspective as a litigator, had I had the Stevenson bill as written, unamended, without the Harper amendment, we could have expedited, in my opinion, a fair resolution for the consumer.

I think this bill, the Stevenson bill, unamended is a fair approach to resolving a dispute. It will expedite resolutions. It will not incur needless attorney’s fees, and I think that the Harper amendment should be defeated and we should support the Stevenson bill as written.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentledady from Lehigh, Mrs. Beyer. Her name will be added to the roll.

**CONSIDERATION OF HB 1467 CONTINUED**

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

The following roll call was recorded:

**YEAS—54**

Bebko-Jones	Freeman	McGeehan	Staback
Belardi	Gannon	McIlhinney	Sturla
Bishop	George	Melio	Surra
Blackwell	Gerber	Miller, S.	Taylor, J.
Blaum	Goodman	Mundy	Thomas
Butkovitz	Grucela	Myers	Tigue
Caltagirone	Harper	O’Brien	Vitali
Cawley	James	Parker	Walko
Cohen	Josephs	Roebuck	Waters
Crahalla	Kirkland	Ruble	Watson
Cruz	Leach	Samuelson	Wheatley
Curry	Lederer	Santoni	Williams
Evans, D.	Manderino	Siptroth	Youngblood
Frankel	McCall		

**NAYS—136**

Adolph	Fleagle	Maitland	Roberts
Allan	Flick	Major	Rooney

Argall	Forcier	Mann	Ross
Armstrong	Gabig	Markosek	Ruffing
Baker	Geist	Marsico	Sainato
Baldwin	Gergely	McGill	Sather
Barrar	Gillespie	McIlhattan	Saylor
Bastian	Gingrich	McNaughton	Scavello
Belfanti	Godshall	Metcalfe	Schroder
Benninghoff	Good	Micozzie	Semmel
Beyer	Grell	Millard	Shapiro
Biancucci	Gruitza	Miller, R.	Smith, B.
Birmelin	Haluska	Mustio	Smith, S. H.
Boyd	Hanna	Nailor	Solobay
Buxton	Harhai	Nickol	Sonney
Cappelli	Harhart	Oliver	Stairs
Casorio	Harris	O’Neill	Steil
Causer	Hasay	Pallone	Stern
Civera	Hennessey	Payne	Stetler
Cornell	Herman	Petrarca	Stevenson, R.
Corrigan	Hershey	Petri	Stevenson, T.
Costa	Hess	Petrone	Tangretti
Creighton	Hickernell	Phillips	True
Denlinger	Hutchinson	Pickett	Turzai
Dermody	Kauffman	Pistella	Veon
DeWeese	Keller, M.	Preston	Wansacz
DiGirolamo	Kenney	Pyle	Wilt
Diven	Killion	Quigley	Wojnarowski
Eachus	Kotik	Ramaley	Wright
Ellis	LaGrotta	Rapp	Yudichak
Evans, J.	Leh	Raymond	Zug
Fabrizio	Lescovitz	Readshaw	
Fairchild	Levdansky	Reed	
Feese	Mackereth	Reichley	Perzel,
Fichter	Maier		Speaker

**NOT VOTING—0**

**EXCUSED—13**

Bunt	DeLuca	Keller, W.	Shaner
Clymer	Donatucci	Rieger	Taylor, E. Z.
Daley	Habay	Rohrer	Yewcic
Dally			

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

**CONSIDERATION OF HB 1467 CONTINUED**

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?

Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I would like to speak in opposition to the bill.

The SPEAKER. The gentledady is in order.

Ms. HARPER. Because this bill was not amended to take out the anticonsumer provisions, it includes a notice that will now be included in every contract to tell the consumers what rights they are losing, what rights we are going to vote today to strip them of.

This notice, which you can read on your screens or I can read to you, requires that they be notified that if they do not know the law and pass all the little hurdles with all the little notices, that they stand to lose important rights. That is the bill we are voting on now. We do not have to do this. If we need a provision for people to get together and talk about repairs without litigation, we can do that. We do not have to take the rights away from people on the most important investment they will ever make in their lives, on their homes.

It is amazing to me that those members of my caucus who are so strong on the rights of homeowners not to have to pay property taxes would yet believe that it is okay to strip those same people of the protections of the Pennsylvania Consumer Protection Law, and yet that is what a “yes” vote does on this bill.

I urge a “no” vote.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I will be brief.

I want to echo the sentiments of Representative Harper. I think this is a bad bill. I think this is anticonsumer. Right now the homeowners who have been aggrieved with regard to defective home building have the rights to avail themselves of our civil court systems. They have a right to go before the courts, plead their case; they have the right to the full rules of evidence, and they have a right to have their case heard, their right to be made whole, by a judge and jury.

What this bill does – and this bill is being promoted not only in Pennsylvania but throughout the country; this is being promoted by the Home Builders Association and the money behind that – what this does is limit the rights of homeowners, limits their right to sue. That is a bad thing. It is a corruption of the civil system, and my hope is, and I have no doubt it will pass, but my hope is that this thing will die over in the Senate, but thank you.

I urge a “no” vote.

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.

(Members proceeded to vote.)

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and places the gentlelady from Lehigh, Mrs. BEYER, on leave. Her name will be stricken.

### CONSIDERATION OF HB 1467 CONTINUED

On the question recurring,

Shall the bill pass finally?

The following roll call was recorded:

### YEAS—159

Adolph	Flick	Maitland	Ruffing
Allen	Forcier	Major	Sainato
Argall	Frankel	Mann	Santoni
Armstrong	Gabig	Markosek	Sather
Baker	Gannon	Marsico	Saylor
Baldwin	Geist	McGeehan	Scavello
Barrar	George	McGill	Schroder
Bastian	Gergely	McIlhattan	Semmel
Bebko-Jones	Gillespie	McIlhinney	Shapiro
Belardi	Gingrich	McNaughton	Smith, B.
Belfanti	Godshall	Metcalfe	Smith, S. H.
Benninghoff	Good	Micozzie	Solobay
Biancucci	Goodman	Millard	Sonney
Birmelin	Grell	Miller, R.	Staback
Blaum	Gruitza	Mustio	Stairs
Boyd	Haluska	Nailor	Steil
Butkovitz	Hanna	Nickol	Stern
Buxton	Harhai	Oliver	Stetler
Caltagirone	Harhart	O'Neill	Stevenson, R.
Cappelli	Harris	Pallone	Stevenson, T.
Casorio	Hasay	Payne	Sturla
Causer	Hennessey	Petrarca	Surra
Civera	Herman	Petri	Tangretti
Cornell	Hershey	Petrone	Tigue
Costa	Hess	Phillips	True
Crahalla	Hickernell	Pickett	Turzai
Creighton	Hutchinson	Pistella	Veon
Cruz	Kauffman	Preston	Wansacz
Denlinger	Keller, M.	Pyle	Waters
Dermody	Kenney	Quigley	Watson
DeWeese	Killion	Ramaley	Wheatley
DiGirolamo	Kirkland	Rapp	Wilt
Eachus	Kotik	Raymond	Wojnarowski
Ellis	LaGrotta	Readshaw	Wright
Evans, D.	Lederer	Reed	Youngblood
Evans, J.	Leh	Reichley	Yudichak
Fabrizio	Lescovitz	Roberts	Zug
Fairchild	Levdansky	Rooney	
Feese	Mackereth	Ross	Perzel,
Fichter	Maher	Rubley	Speaker
Fleagle			

### NAYS—30

Bishop	Gerber	Melio	Samuelson
Blackwell	Grucela	Miller, S.	Sipthoth
Cawley	Harper	Mundy	Taylor, J.
Cohen	James	Myers	Thomas
Corrigan	Josephs	O'Brien	Vitali
Curry	Leach	Parker	Walko
Diven	Manderino	Roebuck	Williams
Freeman	McCall		

### NOT VOTING—0

### EXCUSED—14

Beyer	Dally	Keller, W.	Shaner
Bunt	DeLuca	Rieger	Taylor, E. Z.
Clymer	Donatucci	Rohrer	Yewcic
Daley	Habay		

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

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

**CONSIDERATION OF HB 1697 CONTINUED**

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

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentlelady, Miss Mann.

Miss MANN. Mr. Speaker, I move for a suspension of the rules for immediate consideration of amendment A04853.

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

The following roll call was recorded:

**YEAS—189**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—14**

Beyer	Dally	Keller, W.	Shaner
Bunt	DeLuca	Rieger	Taylor, E. Z.
Clymer	Donatucci	Rohrer	Yewcic
Daley	Habay		

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?

Miss MANN offered the following amendment No. **A04853**:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for failure to comply with registration of sexual offenders requirements; and Amend Bill, page 6, lines 15 and 16, by striking out all of said lines and inserting Section 1. Section 4915(b) and (c) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:  
§ 4915. Failure to comply with registration of sexual offenders requirements.

\* \* \*

[(b) Grading for offenders who must register for ten years.—  
(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(a) who violates subsection (a)(1) or (2) commits a misdemeanor of the third degree.  
(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a misdemeanor of the second degree.  
(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.  
(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who violates subsection (a)(3) commits a felony of the third degree.  
(c) Grading for sexually violent predators and others with lifetime registration.—  
(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(1) or (2) commits a misdemeanor of the second degree.  
(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a misdemeanor of the first degree.  
(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.  
(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(3) commits a felony of the third degree.]

(b) Grading.—An individual subject to registration under 42 Pa.C.S. § 9795.1(a) or (b)(1), (2) or (3) who commits a violation of subsection (a) or a similar offense commits a felony of the third degree.

\* \* \*

Section 2. Chapter 76 of Title 18 is amended by adding a subchapter to read:

Amend Sec. 2, page 18, line 9, 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 gentlelady from Lehigh, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

This amendment pertains to the requirements for registering with the Megan’s Law list here in Pennsylvania. As many of us are aware, the issue of sexual predators, particularly on children, is something that we have not done enough about as a Commonwealth and as a community. This law, this amendment, would strengthen the penalty from misdemeanor category to a felony of the third degree for those who fail to comply with registration requirements as pertaining to Megan’s Law.

I want to note that I have been working on this legislation with my colleague from the Lehigh Valley, Representative Reichley, and understand that he has a bill moving through the committee process as soon as tomorrow that addresses this very same issue, but we are both committed, and I certainly am, to ensuring that this change becomes law as quickly as possible, and I ask for the members’ support.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

**CONSTITUTIONAL POINT OF ORDER**

The SPEAKER. The gentlelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I appreciate the maker of the amendment’s sincerity in wanting to move this issue forward, and as she just acknowledged, this issue, in the form of a bill, is on the Judiciary calendar this week.

My concern about offering this amendment to this bill goes to the discussion that we had just last week about the recent court decision, the Supreme Court decision, in the antigambling group versus the Commonwealth where the Supreme Court told us, in the decision they made just this summer, that the way we were doing business prior to this summer was unconstitutional and that to amend a different subject into a bill violated, and I do not have the provisions in front of me, I think it is Article III, section 6.

This bill in chief deals with spyware software on the computers, and while I understand the maker wanting to move her bill through a vehicle, I would submit that this kind of vehicle, while we may have had the practice of doing that prior to July of this year and having it been acceptable, we now have very clear guidance or a very clear bright-line rule decision from the Pennsylvania Supreme Court that this kind of a move violates our single-subject rule of the Pennsylvania Constitution, and I therefore so move that this amendment is not constitutional as applied on this bill.

The SPEAKER. The gentlelady, Ms. Manderino, raises the point of order that amendment No. 4853 is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,  
Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentlelady, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

I would argue that this amendment is constitutional as it is a Title 18 statute, and I ask for the support of the members.

The SPEAKER. Those voting “aye” will vote to declare the amendment to be constitutional; those voting “no” will vote to declare the amendment to be unconstitutional.

On the question recurring,  
Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—177

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

## NAYS—12

Cohen	Josephs	Mundy	Rubley
Curry	Manderino	Myers	Schroder
James	Melio	Roebuck	Steil

## NOT VOTING—0

## EXCUSED—14

Beyer	Dally	Keller, W.	Shaner
Bunt	DeLuca	Rieger	Taylor, E. Z.
Clymer	Donatucci	Rohrer	Yewcic
Daley	Habay		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

The following roll call was recorded:

## YEAS—189

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

Fichter	Maher	Ross	Perzel,
Fleagle	Maitland	Rubley	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—14

Beyer	Dally	Keller, W.	Shaner
Bunt	DeLuca	Rieger	Taylor, E. Z.
Clymer	Donatucci	Rohrer	Yewcic
Daley	Habay		

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?

Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

This bill expressly prohibits the transmission of spyware onto any unsuspecting computer user.

Computer spyware are computer programs that monitor a computer user's Internet usage — tracking financial transactions, account numbers and balances, Social Security numbers, home addresses and phone numbers — and transmits that personally identifiable information back to a third party. Spyware may also alter unsuspecting users' computer settings by redirecting their Internet browser to certain Internet Web sites and causing pop-up ads to occur in a user's desktop.

This legislation has taken 2 years to write and put together. This legislation will be a model piece of legislation for other States in this nation to follow. Other States have passed similar legislation but nothing quite as modern as this legislation, and I want to thank everybody who has worked with me to get it passed.

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—189

Adolph	Flick	Major	Ruffing
Allen	Forcier	Manderino	Sainato
Argall	Frankel	Mann	Samuelson
Armstrong	Freeman	Markosek	Santoni
Baker	Gabig	Marsico	Sather
Baldwin	Gannon	McCall	Saylor
Barrar	Geist	McGeehan	Scavello

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Beyer	Dally	Keller, W.	Shaner
Bunt	DeLuca	Rieger	Taylor, E. Z.
Clymer	Donatucci	Rohrer	Yewcic
Daley	Habay		

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.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese, for the purpose of a committee meeting. Mr. Feese. Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, upon recess the Appropriations Committee will have an immediate meeting in the conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting in the Appropriations Committee conference room at the recess.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The last sentence of Mr. Vitali's remarks on HB 1993 will be stricken from the record.

There will be no further votes on the floor.

### ANNOUNCEMENT BY MR. O'BRIEN

The SPEAKER. The gentleman, Mr. O'Brien.

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

There will be no Judiciary Committee meeting today. It is my intention to call a meeting off the floor tomorrow.

The SPEAKER. Thank you.

### COMMITTEE MEETING POSTPONED

The SPEAKER. The gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

On behalf of the gentleman, Mr. Clymer, the State Government Committee meeting that was scheduled for 10 a.m. tomorrow is postponed until the recess of session tomorrow, in room 205.

Thank you.

The SPEAKER. Tomorrow at the recess of session, in room 205 there will be a State Government Committee meeting.

Session will be at 10 a.m. tomorrow.

### REPUBLICAN CAUCUS

The SPEAKER. Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

The Republicans will caucus tomorrow at 9:30 a.m. I am advising you of this on behalf of Representative Civera; 9:30 a.m., Republican caucus.

The SPEAKER. The Chair thanks the gentleman.

### DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there also will be a Democratic caucus at 9:30 a.m.

### VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Ellis.

Mr. ELLIS. Thank you, Mr. Speaker.

Earlier in the day my voting button malfunctioned. I would like to be corrected for HB 348 to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

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

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table:

HB 1826;  
HB 2282; and  
SB 869.

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 1826, PN 2440.**

**BILLS RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 1826;  
HB 2282; and  
SB 869.

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

**THE SPEAKER PRO TEMPORE  
(MATTHEW E. BAKER) PRESIDING****BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 1854, PN 3241** (Amended) By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for competitive bidding of contracts.

LOCAL GOVERNMENT.

**HB 1855, PN 3242** (Amended) By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for contracts and acquisition of property and for general regulations concerning contracts.

LOCAL GOVERNMENT.

**HB 1856, PN 3243** (Amended) By Rep. HERMAN

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further regulating contracts as to purchasing and advertising requirements.

LOCAL GOVERNMENT.

**HB 1857, PN 3244** (Amended) By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts, for evasion of advertising requirements and for certain purchase contracts.

LOCAL GOVERNMENT.

**HB 1858, PN 3245** (Amended) By Rep. HERMAN

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts; providing for annual adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and for separate bids for plumbing, heating, ventilating and electrical work.

LOCAL GOVERNMENT.

**HB 1860, PN 3246** (Amended) By Rep. HERMAN

An Act amending the act of July 5, 1947 (P.L.1217, No.498), known as the State Public School Building Authority Act, further providing for competitive bidding of contracts; and providing for evasion of advertising requirements.

LOCAL GOVERNMENT.

**HB 1861, PN 3247** (Amended) By Rep. HERMAN

An Act amending Titles 53 (Municipalities Generally) and 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for competitive bidding of contracts by intergovernmental units, by parking authorities, by municipal authorities and by metropolitan transportation authorities.

LOCAL GOVERNMENT.

**HB 1862, PN 3248** (Amended) By Rep. HERMAN

An Act amending the act of August 6, 1936 (Sp.Sess., P.L.95, No.38 1/2), entitled "An act to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes," further providing for competitive bidding of contracts.

LOCAL GOVERNMENT.



**HB 1863, PN 3249** (Amended) By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for commissioners sole contractors for county, for contract procedures, terms and bonds and advertising for bids and for evasion of advertising requirements.

## LOCAL GOVERNMENT.

**HB 1864, PN 3250** (Amended) By Rep. HERMAN

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for contracts and acquisition of property; and providing for annual adjustment and for evasion of advertising requirements.

## LOCAL GOVERNMENT.

**HB 1865, PN 3251** (Amended) By Rep. HERMAN

An Act amending the act of November 20, 1968 (P.L.1075, No.329), referred to as the Public Television Network System Law, further providing for contracts.

## LOCAL GOVERNMENT.

**HB 1866, PN 3252** (Amended) By Rep. HERMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for adjustments based on Consumer Price Index; and further providing for work to be done under contract let on bids, for purchase of supplies, for contracts for construction, repair, renovation or maintenance, for project contracts and for powers and duties of institution presidents.

## LOCAL GOVERNMENT.

**HB 1867, PN 3253** (Amended) By Rep. HERMAN

An Act amending the act of April 29, 1937 (P.L.526, No.118), entitled, as reenacted and amended, "An act providing for and regulating joint purchases by counties (other than counties of the first class), cities of the second and third class, boroughs, towns, townships, school districts, institution districts, and poor districts," increasing the amount of purchases that may be made subject to certain conditions.

## LOCAL GOVERNMENT.

**HB 1868, PN 3254** (Amended) By Rep. HERMAN

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further regulating contracts, contract procedures and advertising for bids; and providing for evasion of advertising requirements.

## LOCAL GOVERNMENT.

**HB 1869, PN 3255** (Amended) By Rep. HERMAN

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for awards of contracts, completion bond, additional bond for protection of materialmen and others.

## LOCAL GOVERNMENT.

**HB 1870, PN 3256** (Amended) By Rep. HERMAN

An Act amending the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," increasing the minimum bid requirement; and providing for evasion of requirements.

## LOCAL GOVERNMENT.

**HB 1871, PN 3257** (Amended) By Rep. HERMAN

An Act amending the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law, increasing the dollar amount of supplies and materials which may be purchased without advertising.

## LOCAL GOVERNMENT.

**HB 1872, PN 3258** (Amended) By Rep. HERMAN

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further regulating contracts and purchases.

## LOCAL GOVERNMENT.

The SPEAKER pro tempore. Are there any further announcements?

We will keep the desk open to await the arrival of the Appropriations Committee report.

**RECESS**

The SPEAKER pro tempore. The House now stands in recess until the call of the Chair.

**AFTER RECESS**

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

**BILLS REREPORTED FROM COMMITTEE****HB 138, PN 139** By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

## APPROPRIATIONS.

**HB 1826, PN 2440** By Rep. FEESE

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.

## APPROPRIATIONS.

**RECESS**

The SPEAKER pro tempore. This House now stands in recess until the call of the Chair.

**AFTER RECESS**

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

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

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move the following bills be taken from the table:

HB 2243;  
HB 2244;  
HB 2245; and  
HB 2246.

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 2243, PN 3170; HB 2244, PN 3171; HB 2245, PN 3172; and HB 2246, PN 3175.**

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 2243;  
HB 2244;  
HB 2245; and  
HB 2246.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**RECESS**

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

Mr. BLACKWELL. Mr. Speaker, I move that this House do now recess until Wednesday, December 7, 2005, at 12:32 p.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 12:31 p.m., e.s.t., Wednesday, December 7, 2005, the House recessed.