

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 12, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 76

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. LENNY LUCHETTI, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Almighty and loving Lord, we thank You for the freedom we so thoroughly enjoy, the freedom that crosses party lines and is the foundation of this great country we live in. We thank You for the pursuit of freedom that drove our mothers and fathers to this land, a pursuit that even hundreds of years later sustains us still.

We thank You for the ultimate liberation that You, according to Your Word, offer to every person regardless of age, ethnicity, gender, and political party. There in Your Word we read, "It is for freedom that Christ has set us free," and the one who the son of God sets free is free indeed. And the words from Jesus that are written on the ceiling above us: "You shall know the truth, and the truth shall set you free." Lord, from every mountainside let Your freedom ring in our hearts, and may freedom ring in this place as these Representatives seek to make decisions that will preserve and prolong the freedom we so deeply crave and appreciate.

Lord, would You ignite a fire in the hearts of these public servants to remember why they began to serve in the first place and to continue to serve the public called the great State of Pennsylvania. As our State Representatives meet, would You give them the wisdom they need to discern Your good, pleasing, and perfect will, and then, Lord, would You give them the courage and fortitude to pursue Your will with a passionate persistence for the good of all the people who live in this Keystone State.

Might our eyes see Your glory today as these public servants follow the ultimate example of public service, Jesus Christ, the one who is the epitome of selfless service, for in His own words He came not to be served but to serve by laying down His life for those He served. Lord, Your Son's selfless service was fueled by His deep-down desire to see people set free from the things in life that bind us. May these servants of the people be driven by the same compassion that was in Christ so that decisions about finances and policies today will enable people to be even more free tomorrow.

We know it is a tall order, a sobering responsibility, but to borrow from the words of the "Battle Hymn," we pray that as Christ died to make people holy, let these Representatives live to make people free, "While God is marching on. Glory! Glory! Hallelujah!"

Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, December 7, 2005, will be postponed until printed.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1586, PN 1987**, entitled:

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

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 1586 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 1586 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 2132, PN 2936**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, further providing for powers and duties and for audits.

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 2132 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 2132 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 2133, PN 2937**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for identification card.

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 2133 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 2133 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 1260, PN 1486**, entitled:

An Act designating polka music as the official folk music of the Commonwealth of Pennsylvania; and designating the American square dance as the official folk dance of the Commonwealth of Pennsylvania.

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 1260 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 1260 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 248, PN 274**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for legislative review of State highway transfers and for allocation of proceeds from taxes for highway maintenance and construction.

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 248 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 248 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 1631, PN 2016**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration.

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 1631 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 1631 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 2141, PN 2956**, entitled:

An Act restricting the authority of the Environmental Quality Board over fuel additives; and abrogating a regulation.

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 2141 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 2141 be taken off 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 the following bill be taken off the table: HB 1617.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bill be placed on the table: HB 1617.

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

BILLS REMOVED FROM TABLE

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

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

HB 1485;
 HB 1486;
 HB 1487;
 HB 2001;
 HB 2223;
 SB 63;
 SB 618;
 SB 629; and
 SB 798.

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 1485, PN 1803; HB 1486, PN 3231; HB 1487, PN 3232; HB 2001, PN 3234; HB 2223, PN 3235; SB 63, PN 271; SB 618, PN 1359; SB 629, PN 1371; and SB 798, PN 1360.

BILLS RECOMMITTED

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

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

HB 1485;
 HB 1486;
 HB 1487;
 HB 2001;
 HB 2223;
 SB 63;
 SB 618;
 SB 629; and
 SB 798.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. Please welcome, as guests of Representative Mario Scavello, today's Guest Chaplain, Pastor Lenny Luchetti of Stroudsburg Wesleyan Church, along with his wife, Amy Luchetti; associate pastor Tim Gilbertsen and his wife, Kerie Gilbertsen. The guests are seated in the well of the House.

Also seated in the gallery are congregation members of the Stroudsburg Wesleyan Church along with Charles and Laurel Pulis, in-laws of Pastor Luchetti. Please rise and be recognized.

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Auditor General's certificate submitted pursuant to Article VIII, section 7(a)(4), of the Constitution of Pennsylvania and section 304 of the Capital Facilities Debt Enabling Act.

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

SENATE MESSAGE

HOUSE AMENDMENTS
 CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 573, PN 1382**.

SENATE MESSAGE

HOUSE AMENDMENTS
 TO SENATE AMENDMENTS
 CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 515, PN 3173**.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2318 By Representatives ARMSTRONG, BARRAR, BENNINGHOFF, CALTAGIRONE, CAPPELLI, DALEY, GEIST, GEORGE, GILLESPIE, HARRIS, HENNESSEY, HERSHEY, HICKERNELL, KAUFFMAN, R. MILLER, S. MILLER, PHILLIPS, PICKETT, SATHER, SHANER, STERN, R. STEVENSON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for securing loads in vehicles by permitting an exception for forage transportation from the field to storage facilities.

Referred to Committee on TRANSPORTATION, December 12, 2005.

No. 2320 By Representatives CREIGHTON, ARMSTRONG, CALTAGIRONE, DENLINGER, DeWEESE and HENNESSEY

An Act amending the act of December 7, 1990 (P.L.615, No.156), known as the Official Visitation of Prisons Act, further providing for the definition of "official visitor".

Referred to Committee on JUDICIARY, December 12, 2005.

No. 2321 By Representatives SONNEY, BASTIAN, CAPPELLI, CREIGHTON, DeWEESE, J. EVANS, FABRIZIO, GODSHALL, GOOD, GOODMAN, HANNA,

HERMAN, KENNEY, McILHATTAN, MILLARD, RAPP, E. Z. TAYLOR and YOUNGBLOOD

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, providing for removal of land from preferential assessment and for continuation of preferential assessments.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 12, 2005.

No. 2322 By Representatives PETRARCA, THOMAS, BEBKO-JONES, BENNINGHOFF, BOYD, CALTAGIRONE, CAWLEY, DeLUCA, DIVEN, GABIG, GEIST, GEORGE, GERGELY, GRUCELA, HUTCHINSON, JAMES, MACKERETH, MARKOSEK, MARSICO, PISTELLA, REED, ROBERTS, SCAVELLO, SHANER, SOLOBAY, STABACK, SURRA, TANGRETTI, TRUE, WRIGHT and YOUNGBLOOD

An Act providing for an exemption from increases in school real property taxes for senior citizens and for the reimbursement of school districts by the Commonwealth.

Referred to Committee on FINANCE, December 12, 2005.

No. 2323 By Representatives PETRARCA, THOMAS, BEBKO-JONES, BENNINGHOFF, CALTAGIRONE, CAWLEY, DeLUCA, DIVEN, GABIG, GEIST, GEORGE, GERGELY, GRUCELA, HUTCHINSON, JAMES, LEDERER, MACKERETH, MARKOSEK, MARSICO, PISTELLA, REED, ROBERTS, SCAVELLO, SHANER, SOLOBAY, SURRA, TANGRETTI, TRUE and YOUNGBLOOD

An Act providing a school district property tax exemption for senior citizens; and providing for State reimbursement.

Referred to Committee on FINANCE, December 12, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 736, PN 1411

Referred to Committee on URBAN AFFAIRS, December 12, 2005.

SB 881, PN 1414

Referred to Committee on JUDICIARY, December 12, 2005.

SB 897, PN 1369

Referred to Committee on JUDICIARY, December 12, 2005.

SB 1034, PN 1398

Referred to Committee on APPROPRIATIONS, December 12, 2005.

GUESTS INTRODUCED

The SPEAKER pro tempore. Here today, as guests of Representative Jeff Pyle, are Kellie Hill and Tara Stivason.

Kellie is a senior at Freeport High School, where she is currently the valedictorian. Kellie has spent the past two summers studying at Georgetown University, where she studied law and justice, and also Yale University, where she concentrated on constitutional law. Kellie is an active member of the National Honor Society, her hometown parish, and interns in Representative Pyle's office.

Tara is a resident of Kittanning and is the owner and operator of The Dance Academy in Kittanning. Tara volunteers her time in Representative Pyle's district office.

Please rise and be recognized.

LEAVES OF ABSENCE

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

The Chair recognizes the majority whip, who requests a leave of absence for the day for the gentlelady from Montgomery County, Ms. HARPER; the gentleman from Allegheny County, Mr. HABAY; and the gentleman from Delaware County, Mr. GANNON. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip, who requests a leave of absence for the gentleman from Mercer County, Mr. GRUITZA; the gentleman from Fayette County, Mr. SHANER; the gentleman, Mr. EACHUS, from Luzerne County; and the gentleman from Philadelphia County, Mr. RIEGER, for the week, a leave of absence for the week. And for the day, a leave of absence for the gentleman from Philadelphia County, Mr. KELLER. Without objection, leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Eachus	Gruitza	Harper	Rieger
Gannon	Habay	Keller, W.	Shaner

LEAVES ADDED—8

Donatucci	Gergely	Leach	Thomas
Gerber	Grucela	Taylor, J.	Yewcic

LEAVES CANCELED—2

Gannon	Harper
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CAPITAL ATHLETICS 13-AND-UNDER BASKETBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Buxton, for a citation presentation.

Mr. BUXTON. Thank you, Mr. Speaker.

Ladies and gentlemen, I am privileged to present to you today the Capital Athletics Boys 13-And-Under Basketball Team, who won the Best of the Best National Basketball Championship Tournament, which was held in Atlanta, Georgia, July 28 through August 1, 2005. The team is comprised of all-star basketball players in grade 7 from central Pennsylvania and had a record of 5 and 0 during the tournament.

The team of eight players has one representative from Representative Katie True's district, another player from Representative Keith Gillespie's district, two players from Representative McNaughton's district, and four players from my district. Joining me today are Ryan Hill, Aaron Sye, and

Aaron Maisel, who are three of the team captains, together with their coach, Brian Sye. The remainder of the team is in the rear of the hall of the House. If they would stand. I would like to present this citation to their coach and wish them great success in the future.

Thank you very much.

GREENWOOD HIGH SCHOOL FFA AGRICULTURAL ISSUES FORUM TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Mark Keller, for a citation presentation. The gentleman may proceed.

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

It is a pleasure of mine to introduce to you today the Greenwood High School FFA (Future Farmers of America) Agricultural Issues Forum Team. This team was awarded the bronze emblem at the 78th National FFA Convention, which was held in Louisville, Kentucky, this past summer.

Who we have here with us today is Mike Clark, their adviser, who teaches agricultural education at Greenwood High School, and the members of the team are Kami Forgie, Lily Summers, Troy Swinehart, Ben Morrow, Travis Fisher, Alex LaBant, and Derek Yohn. They have been working on their forum since October of 2004 and worked diligently and had many presentations throughout my district and were able to win first place in the region's State competition before going on to receive the bronze at the 78th National.

So it is with great pleasure that I issue these citations from the House of Representatives of the Commonwealth of Pennsylvania to this great team who pursued an achievement that many do not.

Thank you very much.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1294, PN 3233**, entitled:

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

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1294 be recommitted to Appropriations.

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

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor, for a caucus announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican Caucus meeting immediately at the call of recess.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

There also will be a Democratic caucus immediately upon the call of the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, chairman of the Appropriations Committee.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Appropriations Committee at 2 p.m. today in the conference room; that is 2 p.m. today in the conference room.

Also, Mr. Speaker, tomorrow morning at 10 o'clock there will be a meeting of the House Appropriations Committee in the conference room; that is 10 o'clock tomorrow morning, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At 2 p.m. today there will be a meeting of the House Appropriations Committee in the conference room.

At 10 o'clock tomorrow there will also be an Appropriations Committee meeting in the conference room.

INSURANCE COMMITTEE MEETING

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

There will be an Insurance meeting immediately in room 60, East Wing, right at the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Immediately at the break in room 60, East Wing, there will be an Insurance meeting.

JUDICIARY COMMITTEE MEETING

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

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

At the call of recess, there will be a meeting of the House Judiciary Committee in room 205, Ryan Office Building.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In room 205 in the Ryan Office Building, there will be a meeting of the House Judiciary Committee immediately at the recess.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. ALLEN. Thank you, Mr. Speaker.

The House Labor Relations Committee will meet at 3 p.m. in room 39, East Wing; 39 East Wing at 3 p.m. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At 3 p.m. in room 39, East Wing, there will be a House Labor Relations Committee meeting.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

At the call of the recess, there will be a very, very brief meeting of the Intergovernmental Affairs Committee at the rear of the House. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At the rear of the House immediately at the break, there will be a meeting of the Intergovernmental Affairs Committee.

ANNOUNCEMENT BY MR. GEORGE

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

Mr. GEORGE. Mr. Speaker, there will be a short meeting at the call of recess. It will be the Northwest Caucus, and it will be in room 38B. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority leader, who requests a leave of absence for the gentleman, Mr. DONATUCCI. Without objection, the leave of absence is granted.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1617 and HB 2296 be taken off the table.

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 1617, PN 2992; and HB 2296, PN 3210.

BILLS RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1617 and HB 2296 be recommitted to the Appropriations Committee.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. Seated in the Speaker's area as guests of Representative Barrar of Delaware and Chester Counties are Colleen Morrone, Kathleen Pileggi, and Jennifer Greenman. They have two foreign exchange students with them. Kseniya Belfatkina is from Russia, and Usama Khilji is from Pakistan. Usama is attending West Branch Area High School, which is in Representative George's district. Please rise and be recognized. Good morning and good afternoon.

RULES COMMITTEE MEETING

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

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1049, PN 3153 By Rep. S. SMITH

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for license application for barber-teacher, for examination and for requirements for operation of barber shops.

RULES.

The SPEAKER pro tempore. Are there any further announcements?

We will announce prior to coming back to the floor.

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

HB 257, PN 3290 (Amended) By Rep. ALLEN

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wage.

LABOR RELATIONS.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 257 be recommitted to the Committee on Appropriations.

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

BILLS REREPORTED FROM COMMITTEE

HB 487, PN 526 By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for lawyer referral service civil immunity.

APPROPRIATIONS.

HB 544, PN 2957 By Rep. FEESE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the functions of the Secretary of the Commonwealth, for the functions of county boards of elections, for the functions of district election boards, for the place and time of filing nomination papers, for objections to nomination petitions; providing for list of all nominated candidates to the public; further providing for instruction cards and supplies, for official absentee ballot applications, for approval of absentee ballot applications, for absentee elector files, for delivering ballots, for absentee voting, for canvassing official absentee ballots, for public records, for computation of returns and for reporting; and providing for misleading mailings and for unlawful interference with voter registration.

APPROPRIATIONS.

HB 611, PN 684 By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for vacancies in office.

APPROPRIATIONS.

HB 731, PN 3054

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for veterans and members of United States military airborne units and for military airborne parachutist and glider units.

APPROPRIATIONS.

HB 1068, PN 2955

By Rep. FEESE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for association group life insurance for Pennsylvania National Guard.

APPROPRIATIONS.

HB 1071, PN 1969

By Rep. FEESE

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for preference for training programs.

APPROPRIATIONS.

HB 1294, PN 3233

By Rep. FEESE

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

APPROPRIATIONS.

HB 1311, PN 1559

By Rep. FEESE

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

APPROPRIATIONS.

HB 1327, PN 1575

By Rep. FEESE

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for liquefied ammonia gas, precursors and chemicals.

APPROPRIATIONS.

HB 1485, PN 1803

By Rep. FEESE

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.

APPROPRIATIONS.

HB 1486, PN 3231

By Rep. FEESE

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.

APPROPRIATIONS.

HB 1487, PN 3232

By Rep. FEESE

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.

APPROPRIATIONS.

HB 1552, PN 2273

By Rep. FEESE

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

APPROPRIATIONS.

HB 1604, PN 2007

By Rep. FEESE

An Act providing for a Statewide adult day resource and referral system; establishing a central adult day services database; and imposing additional responsibilities upon the Department of Aging.

APPROPRIATIONS.

HB 1617, PN 2992

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for child abuse education training.

APPROPRIATIONS.

HB 1621, PN 2056

By Rep. FEESE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the duty of the State Veterans' Commission.

APPROPRIATIONS.

HB 1705, PN 2281

By Rep. FEESE

An Act providing for health care coverage for the treatment of people with bleeding disorders.

APPROPRIATIONS.

HB 1820, PN 2675

By Rep. FEESE

An Act providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; imposing powers and duties on the Department of General Services; making appropriations; and making a related repeal.

APPROPRIATIONS.

HB 1879, PN 3056

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special license plates for recipients of medals for military service and for exemption of persons, entities and vehicles from fees.

APPROPRIATIONS.

HB 2001, PN 3234

By Rep. FEESE

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

APPROPRIATIONS.

HB 2017, PN 2778

By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

APPROPRIATIONS.

HB 2058, PN 2835

By Rep. FEESE

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, providing for licensed facilities and licensed gaming entities eligibility; and making a related repeal.

APPROPRIATIONS.

HB 2139, PN 2943

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption of persons, entities and vehicles from fees.

APPROPRIATIONS.

HB 2145, PN 2968

By Rep. FEESE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel in active State service.

APPROPRIATIONS.

HB 2157, PN 2980

By Rep. FEESE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain duty for emergencies.

APPROPRIATIONS.

HB 2202, PN 3070

By Rep. FEESE

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

APPROPRIATIONS.

HB 2205, PN 3080

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for record of license sales.

APPROPRIATIONS.

HB 2223, PN 3235

By Rep. FEESE

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.

APPROPRIATIONS.

HB 2282, PN 3194

By Rep. FEESE

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

APPROPRIATIONS.

HB 2296, PN 3210

By Rep. FEESE

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

APPROPRIATIONS.

SB 63, PN 271

By Rep. FEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

APPROPRIATIONS.

SB 358, PN 1141

By Rep. FEESE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, defining "combat zone"; and further providing for limitations in educational assistance program.

APPROPRIATIONS.

SB 618, PN 1359

By Rep. FEESE

An Act providing for immunity for equine owners, possessors or handlers.

APPROPRIATIONS.

SB 629, PN 1371

By Rep. FEESE

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

APPROPRIATIONS.

SB 798, PN 1360

By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for right to bail.

APPROPRIATIONS.

SB 869, PN 1406

By Rep. FEESE

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.

APPROPRIATIONS.

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

HB 2215, PN 3089

By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans' Affairs and the Governor, to grant and convey, at a price determined through competitive bidding, certain lands situate in Columbia Borough, Lancaster County.

STATE GOVERNMENT.

SB 394, PN 1400

By Rep. CLYMER

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments under existing pension plans for service increments to pensions of police officers.

STATE GOVERNMENT.

SB 854, PN 1231

By Rep. MICOZZIE

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 medical and health savings accounts; and repealing provisions relating to taxation of medical and health savings accounts.

INSURANCE.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON JUDICIARY**

HB 1892, PN 2594

By Rep. CLYMER

An Act amending the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act, further providing for counties included within act.

STATE GOVERNMENT.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LOCAL GOVERNMENT**

HB 2003, PN 2754

By Rep. CLYMER

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for assistant county solicitors.

STATE GOVERNMENT.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 411, PN 2584

By Rep. CLYMER

A Resolution memorializing the Congress of the United States to authorize the development of a secure electronic balloting system for active duty military personnel.

STATE GOVERNMENT.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 111, PN 3291 (Amended)

By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "eligible entity"; providing for extension of existing license to cover additional area; and further providing for breweries, for surrender of certain licenses for benefit of licensee, for unlawful acts relative to malt or brewed beverages and licensees, for hours of operation relative to manufacturers, importing distributors and distributors and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

RULES.

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 2282, PN 3194; and SB 869, PN 1406.

**TOURISM AND RECREATIONAL
DEVELOPMENT COMMITTEE MEETING**

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

Mr. GODSHALL. Thank you, Mr. Speaker.

Could I have just a little attention, please, to try to make an announcement of an important meeting.

The SPEAKER. The gentleman is correct. The membership is entirely too loud. The gentleman, Mr. Godshall, has the floor.

Mr. GODSHALL. Thank you, Mr. Speaker.

Immediately following this session, immediately following the session in the majority caucus room, will be a meeting of the Tourism Committee, an important meeting to move a bill.

So requesting all members as soon as this session is over, report to the majority caucus room for that meeting to move a bill.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a Tourism Committee meeting immediately at the break in the majority caucus room.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentlelady from Montgomery, Ms. Harper, her presence on the floor of the House. Her name will be added to the master roll.

Could the gentlelady, Ms. Harper, please come to the rostrum.

LEAVES OF ABSENCE

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

The gentleman, Mr. GERBER, from Montgomery; the gentleman, Mr. THOMAS, from Philadelphia; and the gentleman, Mr. TAYLOR, from Philadelphia also request a leave of absence for the remainder of the day. Without objection, those leaves will be granted.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair recognizes the minority whip, who moves for Capitol leave for the gentleman, Mr. GERGELY. Without objection, that leave will also be granted.

SUBCOMMITTEE MEETING CANCELED

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

Mr. LEH. Mr. Speaker, to announce a cancellation of a subcommittee meeting tomorrow morning.

The SPEAKER. The gentleman is in order.

Mr. LEH. May I have the attention of the members, please.

I would like to announce a cancellation of the special session Subcommittee on Income Tax Initiatives which was scheduled for 10 a.m., but due to the meeting tomorrow on the House floor, that subcommittee meeting will be canceled.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. SHAPIRO called up **HR 533, PN 3263**, entitled:

A Resolution designating the month of January 2006 as "Glaucoma Awareness Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Adolph	Fabrizio	Maher	Rooney
Allen	Fairchild	Maitland	Ross
Argall	Feese	Major	Rubley
Armstrong	Fichter	Manderino	Sainato
Baker	Fleagle	Mann	Samuelson
Baldwin	Flick	Markosek	Santoni
Barrar	Forcier	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Geist	McIlhattan	Semmel
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gergely	McNaughton	Sipthoth
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
Bunt	Grucela	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, E. Z.
Clymer	Herman	Parker	Tigue
Cohen	Hershey	Payne	True
Cornell	Hess	Petrarca	Turzai
Corrigan	Hickernell	Petri	Veon
Costa	Hutchinson	Petrone	Vitali
Crahalla	James	Phillips	Walko
Creighton	Josephs	Pickett	Wansacz
Cruz	Kauffman	Pistella	Waters
Curry	Keller, M.	Preston	Watson
Daley	Kenney	Pyle	Wheatley
Dally	Killion	Quigley	Williams
DeLuca	Kirkland	Ramaley	Wilt
Denlinger	Kotik	Rapp	Wojnarowski
Dermody	LaGrotta	Raymond	Wright
DeWeese	Leach	Readshaw	Youngblood
DiGirolamo	Lederer	Reed	Yudichak
Diven	Leh	Reichley	Zug
Ellis	Lescovitz	Roberts	
Evans, D.	Levdansky	Roebuck	Perzel,
Evans, J.	Mackereth	Rohrer	Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—12

Donatucci	Gerber	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gannon	Habay	Shaner	Yewcic

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2141, PN 2956, be recommitted to the Committee on Environmental Resources and Energy.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Delaware, Mr. Gannon. Without objection, his name will be added to the master roll.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 731, PN 3054**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for veterans and members of United States military airborne units and for military airborne parachutist and glider units.

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

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

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

The following roll call was recorded:

YEAS—191

Adolph	Fairchild	Maher	Rooney
Allen	Feese	Maitland	Ross
Argall	Fichter	Major	Rubley
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Semmel
Benninghoff	George	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
Bunt	Grucela	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
Causler	Harris	Oliver	Surra
Cawley	Hasay	O'Neill	Tangretti
Civera	Hennessey	Pallone	Taylor, E. Z.
Clymer	Herman	Parker	Tigue
Cohen	Hershey	Payne	True
Cornell	Hess	Petrarca	Turzai
Corrigan	Hickernell	Petri	Veon
Costa	Hutchinson	Petrone	Vitali
Crahalla	James	Phillips	Walko
Creighton	Josephs	Pickett	Wansacz
Cruz	Kauffman	Pistella	Waters
Curry	Keller, M.	Preston	Watson
Daley	Kenney	Pyle	Wheatley
Dally	Killion	Quigley	Williams
DeLuca	Kirkland	Ramaley	Wilt
Denlinger	Kotik	Rapp	Wojnaroski
Dermody	LaGrotta	Raymond	Wright
DeWeese	Leach	Readshaw	Youngblood
DiGirolamo	Lederer	Reed	Yudichak
Diven	Leh	Reichley	Zug
Ellis	Lescovitz	Roberts	
Evans, D.	Levdansky	Roebuck	Perzel,
Evans, J.	Mackereth	Rohrer	Speaker
Fabrizio			

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1085, PN 3051**, entitled:

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

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

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

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

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—191

Adolph	Fairchild	Maher	Rooney
Allen	Feese	Maitland	Ross
Argall	Fichter	Major	Rubley
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Semmel
Benninghoff	George	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
Bunt	Grucela	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, E. Z.
Clymer	Herman	Parker	Tigue
Cohen	Hershey	Payne	True
Cornell	Hess	Petrarca	Turzai
Corrigan	Hickernell	Petri	Veon
Costa	Hutchinson	Petrone	Vitali
Crahalla	James	Phillips	Walko
Creighton	Josephs	Pickett	Wansacz
Cruz	Kauffman	Pistella	Waters
Curry	Keller, M.	Preston	Watson
Daley	Kenney	Pyle	Wheatley
Dally	Killion	Quigley	Williams
DeLuca	Kirkland	Ramaley	Wilt
Denlinger	Kotik	Rapp	Wojnarowski
Dermody	LaGrotta	Raymond	Wright
DeWeese	Leach	Readshaw	Youngblood
DiGirolamo	Lederer	Reed	Yudichak
Diven	Leh	Reichley	Zug
Ellis	Lescovitz	Roberts	
Evans, D.	Levdansky	Roebuck	Perzel,
Evans, J.	Mackereth	Rohrer	Speaker
Fabrizio			

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2139, PN 2943**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption of persons, entities and vehicles from fees.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

DeLuca	Kirkland	Rapp	Wilt
Denlinger	Kotik	Raymond	Wojnaroski
Dermody	LaGrotta	Readshaw	Wright
DeWeese	Leach	Reed	Youngblood
DiGirolamo	Lederer	Reichley	Yudichak
Diven	Leh	Roberts	Zug
Ellis	Lescovitz	Roebuck	
Evans, D.	Levdansky	Rohrer	
Evans, J.	Mackereth	Rooney	Perzel,
Fabrizio	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

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

* * *

The House proceeded to third consideration of **HB 2205, PN 3080**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for record of license sales.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-191

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

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

NAYS-1

Casorio

NOT VOTING-0

EXCUSED-11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

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

* * *

The House proceeded to third consideration of **SB 358, PN 1141**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, defining "combat zone"; and further providing for limitations in educational assistance program.

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

The SPEAKER. The gentleman, Mr. George, offers the following amendment, which the— It is the understanding of the Chair the gentleman, Mr. George, has withdrawn that amendment.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

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

The SPEAKER. Would the gentleman, Mr. O'Brien, please come to the rostrum. Mr. O'Brien.

* * *

The Chair proceeded to third consideration of **HB 1820, PN 2675**, entitled:

An Act providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; imposing powers and duties on the Department of General Services; making appropriations; and making a related repeal.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

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

COMMITTEE MEETING POSTPONED

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the House Professional Licensure Committee meeting scheduled for tomorrow at 10 a.m. is being postponed. I will announce the location and the time during session tomorrow.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 515, PN 3173

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for the definition of "manufacture"; and further providing, in

personal income tax, for imposition and, in corporate net income, for definitions.

SB 539, PN 872

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.

SB 573, PN 1382

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for valuation of persons and property.

SB 596, PN 616

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.

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

SENATE BILL FOR CONCURRENCE

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

SB 435, PN 1357

Referred to Committee on STATE GOVERNMENT, December 12, 2005.

COMMITTEE MEETING CANCELED

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

Mr. HESS. For an announcement.

The SPEAKER. The gentleman is in order.

Mr. HESS. I would like to announce the meeting of the Aging Committee tomorrow has been canceled due to we will be in session and we will reschedule at a later date. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 544, PN 2957**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the functions of the Secretary of the Commonwealth, for the functions of county boards of elections, for the functions of district election boards, for the place and time of filing nomination papers, for objections to nomination petitions; providing for list of all nominated candidates to the public; further providing for instruction cards and supplies, for official absentee ballot applications, for absentee elector files, for delivering ballots, for absentee voting, for canvassing official absentee ballots, for public records, for computation of returns and for reporting; and providing for misleading mailings and for unlawful interference with voter registration.

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

Ms. **JOSEPHS** offered the following amendment No. **A04598**:

Amend Title, page 1, line 16, by inserting after "PROVIDING"
for requirements of electronic voting systems,

Amend Bill, page 8, by inserting between lines 25 and 26

Section 5.1. Section 1107-A of the act, added July 11, 1980 (P.L.600, No.128), is amended to read:

Section 1107-A. Requirements of Electronic Voting Systems.—No electronic voting system shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall be established that such system, at the time of such examination or reexamination:

(1) Provides for voting in absolute secrecy and prevents any person from seeing or knowing for whom any voter, except one who has received or is receiving assistance as prescribed by law, has voted or is voting.

(2) Provides facilities for voting for such candidates as may be nominated and upon such questions as may be submitted.

(3) [Permits] If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such vote, permits each voter, at other than primary elections, to vote a straight political party ticket by one mark or act and, by one mark or act, to vote for all the candidates of one political party for presidential electors and, by one mark or act, to vote for all the candidates of one political party for every office to be voted for, and every such mark or act shall be equivalent to and shall be counted as a vote for every candidate of the political party so marked including its candidates for presidential electors, except with respect to those offices as to which the voter has registered a vote for individual candidates of the same or another political party or political body, in which case the automatic tabulating equipment shall credit the vote for that office only for the candidate individually so selected, notwithstanding the fact that the voter may not have individually voted for the full number of candidates for that office for which he was entitled to vote.

(3.1) If the electronic voting system is of the type that registers the vote electronically, permits each voter, at other than primary elections, to vote a straight political party ticket in one operation; in one operation to vote for all the candidates of one political party for presidential electors; and in one operation, to vote for all the candidates of one political party for every office to be voted for, except those offices as to which the voter votes for individual candidates.

(4) Permits each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from any persons whose names are not in nomination and do not appear upon the official ballot.

(5) Permits each voter to vote for any person and any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon the ballot as a candidate for nomination or election.

(6) Permits each voter to vote for as many persons for any office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote and precludes each voter from voting or from having his vote tabulated for any candidate, or upon any question, for whom or upon which he is not entitled to vote.

(7) If it is of a type that registers the vote electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once.

(8) Precludes each voter from voting or from having his vote tabulated more than once for any candidate for the same office or upon any question, except in districts and for offices where cumulative voting is authorized by law.

(9) Permits each voter at a primary election to vote only for the candidates seeking nomination by a political party in which such voter is registered and enrolled, and for any candidate for nonpartisan nomination, and for any question upon which he is entitled to vote.

(10) If it is of a type that registers the vote electronically, the voting system shall permit each voter to change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall provide that a voter who spoils his ballot may obtain another ballot; any ballot thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope marked "spoiled" which shall be sealed and returned to the county board.

(11) Is suitably designed for the purpose used, is constructed in a neat and workmanlike manner of durable material of good quality, is safely and efficiently useable in the conduct of elections and, with respect to the counting of ballots cast at each district, is suitably designed and equipped to be capable of absolute accuracy, which accuracy shall be demonstrated to the Secretary of the Commonwealth.

(12) Provides acceptable ballot security procedures and impoundment of ballots to prevent tampering with or substitution of any ballots or ballot cards.

(13) When properly operated, records correctly and computes and tabulates accurately every valid vote registered.

(14) Is safely transportable.

(15) Is so constructed that a voter may readily learn the method of operating it.

(16) If the voting system is of a type which provides for the computation and tabulation of votes at the district level, the district component of the automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) A public counter, the register of which is visible from the outside of the automatic tabulating equipment component into which the ballots are entered, which shall show during any period of operation the total number of ballots entered for computation and tabulation.

(ii) A lock, or locks, by the use of which all operation of the tabulation element of the automatic tabulating equipment is absolutely prevented immediately after the polls are closed or where the tabulation of votes is completed.

(iii) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes theretofore registered for any candidate or question; and it shall preclude every person from tampering with the tabulating element.

(iv) If the number of choices recorded for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question, provided, that if used during the period of voting it may also have the capacity to indicate to a voter that he has improperly voted for more candidates for any office than he is entitled to vote for, and in such case it shall have the capacity to permit the voter to mark a new ballot or to forego his opportunity to make such correction.

(v) It shall be equipped with an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set to zero and with an element which generates a printed record at the finish of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot.

(17) If the voting system is of a type which provides for the computation and tabulation of all votes at a central counting center or if it provides for the tabulation of district totals at such a central counting center, the central automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) It shall be constructed so that every person is precluded from tampering with the tabulating element during the course of its operation.

(ii) If the number of choices for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question.

(iii) It shall have a means by which to verify that the counters for each candidate position and for each question are all set to zero and shall be able to generate a printed record of each election district showing the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot. It may also be capable of generating cumulative election reports.

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

The SPEAKER. Please keep the noise levels down.

On that question, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, we are checking something with the Department of State on this amendment, and it may be that I will not be able to run it, so if you would not mind, I would appreciate your taking some of the others first.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. The Chair is temporarily over the Josephs amendment.

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

Mr. **BLACKWELL** offered the following amendment No. **A04909**:

Amend Title, page 1, line 22, by striking out “AND” where it appears the first time

Amend Title, page 1, line 23, by removing the period after “REGISTRATION” and inserting

; and imposing a penalty for improperly requesting display of photo identification.

Amend Sec. 15, page 37, by inserting between lines 23 and 24

Section 1827.2. Improper Request to Display Photo Identification.—Any person, who is not an election officer, who with the intent of interfering with the free exercise of the elective franchise, asks any person to show photo identification shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars or to undergo a term if imprisonment of not more than seven (7) years, or both.

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

The SPEAKER. On that question, the Chair recognizes the gentleman— Mr. Clymer was first. Mr. Vitali, you will be next. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, does Representative Blackwell want to make any comments about his amendment? If not, I will proceed to make some comments on the issue.

The SPEAKER. Does the gentleman, Mr. Vitali, waive off to the gentleman, Mr. Blackwell? The gentleman waives off.

Mr. Clymer has the floor.

Mr. CLYMER. Mr. Speaker, I respectfully would request that the members oppose this amendment. The amendment was brought up by the gentleman in committee, and one of the problems we had with it is, it does not define the area where this situation should occur where a person is interfering with the voter having the opportunity to vote. Because the landscape is so broad, we felt that had the maker of the amendment narrowed that down to a specific area, it would have been helpful. And then the \$15,000 fine and 7 years imprisonment we felt might have been a little bit too much as well. So I am asking that we vote against this amendment and give us the opportunity to dialogue with the gentleman when we have another Election Code bill, which will be coming up in the near future.

So I would ask for a “no” vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Blackwell.

AMENDMENT WITHDRAWN

Mr. BLACKWELL. Mr. Speaker, I would like to pull the amendment so that maybe we can have that dialogue and work together to narrow it down and make it more specific, please.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. **GRUCELA** offered the following amendment No. **A04915**:

Amend Title, page 1, line 14, by inserting after “BOARDS,”
for qualifications of electors at primaries,

Amend Bill, page 4, by inserting between lines 17 and 18

Section 2.1. Section 702 of the act is amended to read:

Section 702. Qualifications of Electors at Primaries.—(a) The qualifications of electors entitled to vote at primaries shall be the same as the qualifications of electors entitled to vote at elections within the election district where the primary is held, provided that no elector who is not registered and enrolled as a member of a political party, in accordance with the provisions of this act, shall be permitted to vote the ballot of such party or any other party ballot at any primary.

(b) An individual who otherwise meets the requirements of 25 Pa.C.S. § 1301 (relating to qualifications to register) who will be at least eighteen years of age on the day of the next general or municipal election may register and vote for the corresponding primary.

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

The following roll call was recorded:

YEAS—187

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

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

NAYS-5

Casorio	Grell	Metcalfe	Tigue
Creighton			

NOT VOTING-0

EXCUSED-11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

On the question,

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

Mr. T. STEVENSON offered the following amendment No. A04957:

Amend Sec. 5 (Sec. 982.1), page 8, line 6, by inserting after "counties."

If the county fails to send the Secretary of the Commonwealth the notice under this subsection at least ten (10) days prior to the applicable deadline in subsection (c), the secretary shall withhold any reimbursements or payments owed to the county under section 305 until such time as the secretary receives the notice.

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

The following roll call was recorded:

YEAS-192

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Donatucci	Gruitza	Rieger	Thomas
Eachus	Habay	Shaner	Yewcic
Gerber	Keller, W.	Taylor, J.	

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

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 544 CONTINUED

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

RULES SUSPENDED

The SPEAKER. Does the gentleman, Mr. Fabrizio, request a motion to suspend the rules for consideration of his amendment?

Mr. FABRIZIO. Mr. Speaker, thank you.
I would request a suspension of the rules.
The SPEAKER. The gentleman requests a suspension of the rules for immediate consideration of amendment 5031.

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

The SPEAKER. On that question, Mr. Clymer.
Mr. CLYMER. Thank you.
Mr. Speaker, I am not aware of this amendment, and I wonder if I could talk with the gentleman for a moment as to what he is offering.
The SPEAKER. The House will be at ease.

Representative Clymer.
Mr. CLYMER. Mr. Speaker, we have seen the amendment. It is a technical amendment. It just corrects some wording, and I will let the maker of the amendment explain that. Thank you. Thank you very much.

The SPEAKER. We are on the suspension of the rules.
Would the gentleman give a brief explanation of what his amendment does?

Mr. FABRIZIO. Thank you, Mr. Speaker.
It is just a clarification of language, eliminating one sentence which indicates that the elector would not be receiving the ballot from the county board of elections, and it clarifies the language, and I believe it is agreed to, and it really solidifies the intent of the bill itself.

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

The following roll call was recorded:

YEAS—190

Adolph	Fabrizio	Maher	Rooney
Allen	Fairchild	Maitland	Ross
Argall	Feese	Major	Rubley
Armstrong	Fichter	Manderino	Ruffing
Baker	Fleagle	Mann	Sainato
Baldwin	Flick	Markosek	Samuelson
Barrar	Forcier	Marsico	Santoni
Bastian	Frankel	McCall	Sather
Bebko-Jones	Freeman	McGeehan	Saylor

Belardi	Gabig	McGill	Scavello
Belfanti	Gannon	McIlhattan	Schroder
Benninghoff	Geist	McIlhinney	Semmel
Beyer	George	McNaughton	Shapiro
Bianucci	Gillespie	Melio	Siproth
Birmelin	Gingrich	Metcalfe	Smith, B.
Bishop	Godshall	Micozzie	Smith, S. H.
Blackwell	Good	Millard	Solobay
Blaum	Goodman	Miller, R.	Sonney
Boyd	Grell	Miller, S.	Staback
Bunt	Grucela	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	Surra
Cawley	Hasay	O'Neill	Tangretti
Civera	Hennessey	Pallone	Taylor, E. Z.
Clymer	Herman	Parker	Tigue
Cohen	Hershey	Payne	True
Cornell	Hess	Petrarca	Turzai
Corrigan	Hickernell	Petri	Veon
Costa	Hutchinson	Petrone	Vitali
Crahalla	James	Phillips	Walko
Creighton	Josephs	Pickett	Wansacz
Cruz	Kauffman	Pistella	Waters
Curry	Keller, M.	Preston	Watson
Daley	Kenney	Pyle	Wheatley
Dally	Killion	Quigley	Williams
DeLuca	Kirkland	Ramaley	Wilt
Denlinger	Kotik	Rapp	Wojnarowski
Dermody	LaGrotta	Raymond	Wright
DeWeese	Leach	Readshaw	Youngblood
DiGirolo	Lederer	Reed	Yudichak
Diven	Leh	Reichley	Zug
Ellis	Lescovitz	Roberts	
Evans, D.	Levdansky	Roebuck	Perzel,
Evans, J.	Mackereth	Rohrer	Speaker

NAYS—0

NOT VOTING—1

Sturla

EXCUSED—12

Donatucci	Gergely	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	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?

Mr. FABRIZIO offered the following amendment No. **A05031**:

Amend Sec. 10 (Sec. 1306), page 26, lines 5 through 7, by striking out "**FROM AN ELECTOR**" in line 5 and all of line 6 and "**(E), (F), (G) AND (H)**" in line 7
Amend Sec. 10 (Sec. 1306), page 26, line 8, by striking out "**THE ELECTOR**" and inserting
an elector qualified in accordance with section 1301(a), (b), (c), (d), (e), (f), (g) and (h)

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Donatucci	Gergely	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	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?

Ms. **JOSEPHS** reoffered the following amendment No. **A04598**:

Amend Title, page 1, line 16, by inserting after "PROVIDING"
for requirements of electronic voting systems,

Amend Bill, page 8, by inserting between lines 25 and 26

Section 5.1. Section 1107-A of the act, added July 11, 1980 (P.L.600, No.128), is amended to read:

Section 1107-A. Requirements of Electronic Voting Systems.—No electronic voting system shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall be established that such system, at the time of such examination or reexamination:

(1) Provides for voting in absolute secrecy and prevents any person from seeing or knowing for whom any voter, except one who has received or is receiving assistance as prescribed by law, has voted or is voting.

(2) Provides facilities for voting for such candidates as may be nominated and upon such questions as may be submitted.

(3) [Permits] If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such vote, permits each voter, at other than primary elections, to vote a straight political party ticket by one mark or act and, by one mark or act, to vote for all the candidates of one political party for presidential electors and, by one mark or act, to vote for all the candidates of one political party for every office to be voted for, and every such mark or act shall be equivalent to and shall be counted as a vote for every candidate of the political party so marked including its candidates for presidential electors, except with respect to those offices as to which the voter has registered a vote for individual candidates of the same or another political party or political body, in which case the automatic tabulating equipment shall credit the vote for that office only for the candidate individually so selected, notwithstanding the fact that the voter may not have individually voted for the full number of candidates for that office for which he was entitled to vote.

(3.1) If the electronic voting system is of the type that registers the vote electronically, permits each voter, at other than primary elections, to vote a straight political party ticket in one operation; in one operation to vote for all the candidates of one political party for presidential electors; and in one operation, to vote for all the candidates of one political party for every office to be voted for, except those offices as to which the voter votes for individual candidates.

(4) Permits each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from any persons whose names are not in nomination and do not appear upon the official ballot.

(5) Permits each voter to vote for any person and any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon the ballot as a candidate for nomination or election.

(6) Permits each voter to vote for as many persons for any office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote and precludes each voter from voting or from having his vote tabulated for any candidate, or upon any question, for whom or upon which he is not entitled to vote.

(7) If it is of a type that registers the vote electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once.

(8) Precludes each voter from voting or from having his vote tabulated more than once for any candidate for the same office or upon any question, except in districts and for offices where cumulative voting is authorized by law.

(9) Permits each voter at a primary election to vote only for the candidates seeking nomination by a political party in which such voter is registered and enrolled, and for any candidate for nonpartisan nomination, and for any question upon which he is entitled to vote.

(10) If it is of a type that registers the vote electronically, the voting system shall permit each voter to change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall provide that a voter who spoils his ballot may obtain another ballot; any ballot thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope marked "spoiled" which shall be sealed and returned to the county board.

(11) Is suitably designed for the purpose used, is constructed in a neat and workmanlike manner of durable material of good quality, is safely and efficiently useable in the conduct of elections and, with respect to the counting of ballots cast at each district, is suitably designed and equipped to be capable of absolute accuracy, which accuracy shall be demonstrated to the Secretary of the Commonwealth.

(12) Provides acceptable ballot security procedures and impoundment of ballots to prevent tampering with or substitution of any ballots or ballot cards.

(13) When properly operated, records correctly and computes and tabulates accurately every valid vote registered.

(14) Is safely transportable.

(15) Is so constructed that a voter may readily learn the method of operating it.

(16) If the voting system is of a type which provides for the computation and tabulation of votes at the district level, the district component of the automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) A public counter, the register of which is visible from the outside of the automatic tabulating equipment component into which the ballots are entered, which shall show during any period of operation the total number of ballots entered for computation and tabulation.

(ii) A lock, or locks, by the use of which all operation of the tabulation element of the automatic tabulating equipment is absolutely prevented immediately after the polls are closed or where the tabulation of votes is completed.

(iii) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes theretofore registered for any candidate or question; and it shall preclude every person from tampering with the tabulating element.

(iv) If the number of choices recorded for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question, provided, that if used during the period of voting it may also have the capacity to indicate to a voter that he has improperly voted for more candidates for any office than he is entitled to vote for, and in such case it shall have the capacity to permit the voter to mark a new ballot or to forego his opportunity to make such correction.

(v) It shall be equipped with an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set to zero and with an element which generates a printed record at the finish of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot.

(17) If the voting system is of a type which provides for the computation and tabulation of all votes at a central counting center or if it provides for the tabulation of district totals at such a central counting center, the central automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) It shall be constructed so that every person is precluded from tampering with the tabulating element during the course of its operation.

(ii) If the number of choices for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question.

(iii) It shall have a means by which to verify that the counters for each candidate position and for each question are all set to zero and shall be able to generate a printed record of each election district showing the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot. It may also be capable of generating cumulative election reports.

On the question recurring,

Will the House agree to the amendment?

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

Ms. JOSEPHS. Mr. Speaker, we covered this in caucus. I think the other side, I think the Republicans did, too. I do not want to hold anything up. You know, I am fine.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

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

Denlinger	Kotik	Readshaw	Wright
Dermody	LaGrotta	Reed	Youngblood
DeWeese	Leach	Reichley	Yudichak
DiGirolamo	Lederer	Roberts	Zug
Diven	Leh	Roebuck	
Ellis	Lescovitz	Rohrer	
Evans, D.	Levdansky	Rooney	Perzel,
Evans, J.	Mackereth	Ross	Speaker

NAYS—2

Maher	Mustio
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NOT VOTING—0

EXCUSED—12

Donatucci	Gergely	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	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. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. McCall.
Mr. McCALL. Thank you, Mr. Speaker.
Mr. Speaker, a point of parliamentary inquiry. I have an amendment filed to this legislation, a stamped amendment that was filed December 8.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds the notice that this is on final passage.

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

The SPEAKER. We do have the amendment. However, it was left off of the schedule that we have before us. So the gentleman, Mr. McCall, offers the following amendment, which the clerk—

Mr. CLYMER. Mr. Speaker?

The SPEAKER. 4145?

Mr. CLYMER. Yes. Can I have a brief sidebar again with the maker of the amendment?

Mr. McCALL. Sure.

The SPEAKER. The House will be at ease.

The gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I will withdraw the amendment at this time.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Donatucci	Gergely	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	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 1049, PN 3153**, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for license application for barber-teacher, for examination and for requirements for operation of barber shops.

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

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

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

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

The following roll call was recorded:

YEAS—191

Adolph	Fairchild	Maitland	Ross
Allen	Feese	Major	Rubley
Argall	Fichter	Manderino	Ruffing
Armstrong	Fleagle	Mann	Sainato
Baker	Flick	Markosek	Samuelson
Baldwin	Forcier	Marsico	Santoni
Barrar	Frankel	McCall	Sather
Bastian	Freeman	McGeehan	Saylor
Bebko-Jones	Gabig	McGill	Scavello
Belardi	Gannon	McIlhattan	Schroder
Belfanti	Geist	McIlhinney	Semmel
Benninghoff	George	McNaughton	Shapiro
Beyer	Gillespie	Melio	Siptroth
Biancucci	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
Bunt	Haluska	Mustio	Steil
Butkovitz	Hanna	Myers	Stern
Buxton	Harhai	Nailor	Stetler
Caltagirone	Harhart	Nickol	Stevenson, R.
Cappelli	Harper	O'Brien	Stevenson, T.
Casorio	Harris	Oliver	Surla
Causar	Hasay	O'Neill	Surra

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Donatucci	Gergely	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	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.

HARRISBURG LEGISLATIVE LEAVE

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

Mr. BLAUM. Thank you, Mr. Speaker.

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

The SPEAKER. Without objection, the leave is granted.

LEAVE OF ABSENCE

Mr. BLAUM. And a leave of absence is requested for the rest of the day for the gentleman, Mr. GRUCELA.

The SPEAKER. Without objection, the leave will be granted.

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 1049, PN 3153

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for license application for barber-teacher, for examination and for requirements for operation of barber shops.

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 487, PN 526**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for lawyer referral service civil immunity.

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

Mr. **STURLA** offered the following amendment No. **A04906**:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for Commonwealth portion of fines; and

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

Section 1. Section 3571(b)(2) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3571. Commonwealth portion of fines, etc.

(b) Vehicle offenses.—

(2) (i) Except as provided in paragraph (4), when prosecution under any other provision of Title 75 (relating to vehicles) is the result of State Police action, all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund. One-half of the revenue shall be paid to municipalities as designated in subparagraph (ii) in the same ratio provided in section 4 of the act of June 1, 1956 (P.L.1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(ii) Only municipalities that provide local police services through a municipal police department, participation in a regional police department or contracts with other municipal or regional police for police services may receive revenue under subparagraph (i).

Section 2. Title 42 is amended by adding a section to read:

Amend Sec. 2, page 2, line 23, 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. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, essentially what this amendment does is currently when there are fines written by the State Police or violations written up by the State Police, a portion of that fine money goes to the municipality where the fine was written. Now, I understand that in municipalities where there are police departments because they are providing a portion of the total statewide effort to police in this State, but I have concerns

that we spend several hundred million dollars a year of the State budget to provide free police protection to many municipalities throughout the State, and then when those State Police write a ticket in those areas, those municipalities get sent a bonus check at the end of the month on top of getting the free police protection.

What this amendment does is takes that \$12.50 portion of the fine that gets sent to those municipalities and keeps it in the fund for State Police, so it will help pay for the State Police that are patrolling for free in those communities as opposed to taking that fine money and sending it to those communities for other purposes. I would ask for an affirmative vote.

If you have a municipal police department in your district, this will not affect the moneys that come to your district. What it will do is help pay for those State Police which patrol for free in other communities that do not pay for local police protection. So I ask for an affirmative vote.

Thank you.

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Mackereth.

Mrs. MACKERETH. Thank you, Mr. Speaker.

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

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

Mrs. MACKERETH. Mr. Speaker, would this amendment hurt municipalities who contract with the Pennsylvania State Police? For instance, if there was a traffic violation in a municipality, whom would the money go to if the State Police made the fine, imposed a fine?

Mr. STURLA. Mr. Speaker, I am not aware of any municipalities that contract with the State Police. I know of municipalities that contract with other police departments and contract with regional policing departments, and in those cases those municipalities would still retain their fine moneys. This is only aimed at trying to remove the— Right now there is a disincentive for municipalities to join regional police departments or start their own police department because right now they are getting free police protection and getting sent a check at the end of the month.

Mrs. MACKERETH. Mr. Speaker, if a municipality could not afford their own police department and so the State Police came in and provided services and if the State Police ticketed people within that jurisdiction, where would the dollars from those fines go?

Mr. STURLA. Currently a portion of the dollars from those fines would go to the municipality that was not paying for any police protection. Under this amendment, those dollars would go back into the fund to help pay for the State Police that are patrolling in that municipality.

Mrs. MACKERETH. May I speak on the amendment?

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

Mrs. MACKERETH. Thank you, Mr. Speaker.

Mr. Speaker, my concern is that the dollars go back to the State as opposed to the municipality, and I am concerned that we will be taking money that normally municipalities would get. Therefore, I would request that the members vote against this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I have had a number of conversations with my good friend from Lancaster about this issue over the years, and we have a difference of opinion somewhat but not as great as most people would think.

I represent areas that have police departments, boroughs, and a third-class city that has a police department and townships that do not and are serviced by the State Police, and it is always a difficult situation when you are dealing with this issue. There are municipalities in my district who could very well afford to give up those fines but there are others that could not, and I have a borough that had to give up its police department about 10 years ago and maybe could not survive without those fines, and because they have State highways in both directions as their main thoroughfares in that borough, it becomes very difficult for them, I would think.

For those of you who have been around a long time, and our good friend from Chester County and other people will remember, we had this debate and discussion of the previous administration, and in fact, the Local Government Commission held a 2-year-long investigation into this whole issue and made a number of recommendations, not the least of which to provide a mechanism by which we can incentivize municipalities to provide for some sort of regional police department or contracting of services or some method by which we could relieve the State Police of this duty or help them in performing their duty, and we just have not been able to move that legislation.

Reluctantly, I rise to oppose this amendment only because – I think the gentlelady mentioned it particularly – only because there are municipalities who just cannot afford a police department and this amendment would be very punitive to them, and I would suggest that before we take the step in doing this, let us revive that legislation; let us see if we cannot come up with a better system than the one that the gentleman is proposing.

So I would ask for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to agree with Representative Tangretti that while I understand where the gentleman, Mr. Sturla, wishes to go with this, I think that there are better proposals out there that have proposed restricting it to the size of the municipality that we are going to punish. We realize in the State that there are a lot of townships out there. Even if they were to join together with mutual townships next to them, they still would not have a population that could sustain a full-time or a regional police department.

What we can do in this General Assembly is report legislation out that gets to where the heart of the issue is. Let us look at those townships and municipalities that should have their own police department and regionalization rather than looking at just punishing all the municipalities in the State of Pennsylvania.

So I rise to oppose this and ask the gentleman to work with the rest of us to try and come up with legislation similar to that of what Governor Ridge proposed, and that is, certain townships who can afford or should have their own police departments would thereby have to contribute to the State Police fund by paying them out of their township funds.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I rise to support the Sturla amendment. This is nothing more than preventing continuation of unjust enrichment to communities who do not fund a local police department. Throughout the Commonwealth of Pennsylvania we have townships and boroughs and cities that all spend local tax dollars to support their police departments. No matter what we do and no matter how we do it, there are communities that do not have police departments, and we at the Commonwealth level provide the Pennsylvania State Police to provide local police service in these communities that do not have their own police department. They do not expend any local tax revenues on police protection.

When you look at the communities that do spend local tax dollars on local police protection, it is a fair share argument. All we are suggesting in the Sturla amendment is, allow those communities that pay for a local police department with local tax dollars to keep their share, their fair share of the citation. For those communities who do not spend local tax dollars on a local police department, those revenues that are generated from those citations go back to the Pennsylvania State Police and use those moneys to fund PSP so that they can continue to provide the excellent service that they do and the ultimate in police protection for those communities who cannot afford a police department for themselves.

This is a good idea; this is good legislation, and it holds harmless all of the communities because we are not looking for any tax dollars. We are not looking for any contribution from the local community. We are looking, pure and simple, if there is a violator, those revenues are shared only with the law enforcement agencies that actually exist and you are not unjustly enriching a community who does not otherwise expend local tax dollars on a local police department.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Scavello.

Mr. Scavello, Mr. Stairs, and then Mr. Frankel.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I would like to question the maker of the amendment.

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

Mr. SCAVELLO. Mr. Speaker, I have read the amendment. When does the cost take place where the fines, the dollars and the fines do not go back to the municipalities and come to the State?

Mr. STURLA. It would be effective with the bill, Mr. Speaker.

Mr. SCAVELLO. If it is effective with the bill, you have got municipalities out there that have done their budgets for next year, and should we enact this amendment, how do we tell those municipalities that are dependent on those revenues that they are not going to have them in the middle of their budget?

It is almost something similar to what was going on here last week with the cell phone repeal. In the middle of a budget cycle, we are going to ask these municipalities now to – that they are not going to get this revenue; we are going to tell them that.

Mr. STURLA. Is that a question, Mr. Speaker?

Mr. SCAVELLO. Well, it was just a comment.

For many reasons, but for that reason especially, I would recommend to the members that we do not vote for this. The municipalities are going to be depending on this revenue, and here we are, we are going to be taking the revenues away from them in the middle of their budgets.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I appreciate your recognizing me on a somewhat controversial issue. Obviously, from hearing the discussion, if you have a police force in your municipality, you may be for this, and if you do not, you are probably against it. But I want to speak to the rural legislators, which I think there are quite a few of us out there who do not have a police force, and I would certainly at this time ask you to vote against it. I guess if you are in an urban area where you have a police force, you might not want to vote against this but vote for this, but I am just speaking of my own communities being rural, and in my case we have the Pennsylvania Turnpike that goes through Westmoreland County and these are in my district. These are rural townships. And as in any highway, there are generally a lot of speeding violations and the turnpike certainly gets maybe more than its fair share. So I could sense— And I do not know how much these communities would lose. I do not have a handle on what they receive a year, but I know it would be detrimental. So I would hope that other rural legislators will be thinking about their needs and hope that we could stick together and oppose this legislation, and I do understand the cities' concerns, and let us find a way for them to get more money without taking it out of our pockets.

So I would hope the rural legislators could stand to oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to support the amendment. I live in the city of Pittsburgh where we pay for our own policing, and obviously that was a major issue as we talked about the city's finances for the last several years, but I also pay State taxes which pay for State policing for local municipalities. Three-quarters of the entire State Police budget is used to pay for local policing in municipalities that do not pay for their own local policing. Now, that may be reasonable, but I also recall a discussion that we have been having about mass transportation throughout the State of Pennsylvania and the need to find additional permanent funding to secure mass transit funding for our municipalities across the State.

Many, many of my colleagues have said repeatedly that if you use it, you should pay for it, and maybe that should apply to this situation. But we who pay for our own local policing are subsidizing State Police who are taking care of municipalities who do not pay for their own policing.

I do think there is some level of hypocrisy that relates to the fact that people are very reluctant to talk about urban areas in solving a mass transit problem that is staring down our face during the next 12 months and at the same time say that they are entitled to having those of us who pay for our local police subsidize rural and suburban policing by the State Police to the tune of hundreds of millions of dollars. So I hope that as we come down the road next year to talk about solving the

mass transit situation throughout the State of Pennsylvania, that my colleagues will recall this conversation and the need that if we are going to take care of local policing in many of the smaller municipalities across the State, there should be an equal moral obligation to take care of mass transit as we seek to solve and find a permanent funding solution for that.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I want to bring briefly several issues to the members' attention. The first is, I would like to remind the members that the underlying bill has to do with lawyer referrals, and at the very least, this is very, very far away from the original subject of the legislation, and if we were to pass it, I believe that it would have a serious problem with the standards that the court has suggested for a single-subject rule.

Secondly, I would point out that we have discussed the subject of the State Police and local police provision many times in the past, and it has come out in the discussions that we have had in the local police task force that I served on with a member from Westmoreland County that in fact every municipality uses the State Police even if they have local police, so the fairness issue really does not stand very well. Secondly, I would point out that if you do not have local police, you have as a municipality made a positive decision to reduce the amount of coverage that you are getting on police services generally. That is a local decision that was made locally.

If we are to take revenues that the State normally provides away from those municipalities at this time of the year when they are very deep in their budget negotiations and discussions, it is an extremely unfair decision for us to be taking at this point this late in the year. So a considerable amount of hardship will be occurring to all of the municipalities that do not currently have local police, and I strongly urge that we defeat this amendment and talk more appropriately about incentives for those municipalities that choose to add local police rather than attempting to punish those that for good reasons and sufficient reasons locally have chosen not to take this on.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. DeLuca, seek recognition? The gentleman waives off.

The gentleman, Mr. Hutchinson? The gentleman waives off.

Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I will be very brief.

Listening to the comments of the prime sponsor of this amendment, I understand his intent and the rationale behind it and some other comments that were made about, I guess, paying their fair share, the municipalities should pay their fair share.

Of the 4300-plus troopers that we have in the Commonwealth, a significant number – I do not know what the number is – serve on the turnpike, and I do not travel the turnpike, very rarely, but I know that many people do, and a lot of the traveling public, the motoring public, are from other areas in Pennsylvania. Those motorists do not pay – I know they pay their fees, but I do not know of them personally paying for the protection that you are getting on the State turnpike through the State Turnpike Commission, and I am not aware, I am not aware of the Turnpike Commission reimbursing some way or

another into the General Fund to pay for these positions that are there.

I have some real difficulties. I represent a rural area, as you know, but I think this would create an additional hardship, and as well-intended as the amendment is, I am going to vote “no.”

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of discussion about the potential impact that this amendment would have on the budgets of some municipalities because the effective date would be 60 days after the Governor signs it. The truth is, this amendment, if it goes into this bill, would have absolutely no impact on those budgets, and I will tell you why. First of all, anything that was collected in fines prior to the effective date of this statute would not affect those budgets at all. That money would go to those municipalities. It would only be relative to fines that are collected in the future, and they do not come all in at one time. They come in over time, Mr. Speaker. So the impact on budgets that are already being set or in place or being finalized, this would not have any impact whatsoever simply because it would not be reflected in any moneys that had already been collected but only those fines that would be collected in the future, after the effective date of the statute.

The SPEAKER. Mr. Levdansky. Does the gentleman, Mr. Levdansky, seek recognition?

Is the gentleman, Mr. Gannon, finished?

Mr. GANNON. I am sorry, Mr. Speaker. I did not hear the question.

The SPEAKER. Are you finished?

Mr. GANNON. Yes, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand that there will be “no” votes on this amendment and there will be “yes” votes on this amendment, and quite frankly, if I represented an area that was getting free police protection and getting sent a bonus check at the end of the month or the end of the year, I would probably vote “no” on this. But 70 percent of the State’s citizens pay for local police protection; 70 percent pay for local police protection. The remaining 30 percent get free police protection provided by the State, and then we send them a check to give them an incentive to keep their free police protection. All this amendment does is try and take away that incentive that we provide, that extra bonus check that we send them, and use that money instead to help pay for the very free State Police that those municipalities get and the services that those State Police provide.

If you represent areas that have paid police protection, your citizens are helping to pay for that free State Police protection. This will use some of those dollars in fine money and help pay for that State Police complement. We have had many discussions in trying to increase the State Police complement, and I will agree that a portion of what the State Police do, they do in every district, but every citizen in Pennsylvania pays State taxes that help pay for all the police services, and not everyone is getting those police services.

This amendment makes sense for 70 percent of the people in Pennsylvania who help pay for the total policing effort in the State of Pennsylvania by having a local police department. This is not meant to be punitive to those municipalities that do not

have a police department. It is simply saying, use the fine moneys generated by those free police to help pay for them.

All we are asking is for a little bit of fairness here, and I would encourage members to look at their own districts, and I understand there will be some members that will vote “no,” but theoretically, 70 percent of the members in this chamber should be voting “yes” on this if they want to represent their constituents.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I just rise to oppose the amendment.

I think the maker of the amendment has really good intentions here and that there are a lot of pros and cons with regarding his legislation.

Clearly, this issue needs further study, and I request that the maker of the amendment perhaps make a freestanding bill regarding what he wants to do here and would ask the Judiciary chairman to consider maybe having some public hearings, public meetings on this issue.

So I would ask the members to oppose this, but also to perhaps allow the maker of the amendment through the committee process, to have the maker – actually, to have the chairman of the Committee of Judiciary to perhaps have some further hearings and meetings on this amendment. So I ask the members to oppose this amendment.

Thank you.

The SPEAKER. Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I also rise in opposition to the Sturla amendment.

The gentleman from Lancaster County mentioned that we all receive, those of us who have a police force provided to us by the State Police, free policing. That is the furthest thing from the truth, Mr. Speaker. All of my constituents that receive this, quote, unquote, “free police force” all pay State tax; they all pay other types of taxes, and to assume or make the statement they are receiving free police force is absolutely absurd. Those municipalities that provide police forces are so large usually in the Commonwealth of Pennsylvania that the State Police is inadequately sized to do an adequate job of policing the constituents, and they are wealthy enough to afford a supplemental police force to that which is provided by the State Police. I believe the gentleman from Lancaster County has it backwards.

I know those of us who represent rural legislative districts, very, very small municipalities and boroughs of 100 to 150, 200 individuals and they are an elderly population, they have a very difficult time paying for a supplemental police force, and they rely on the police force through the State Police that they pay for through their State taxes to provide that service to them, and I think it is disingenuous for the gentleman in Lancaster County to take away the protection of those citizens in the Commonwealth of Pennsylvania that truly pay for it, and I would ask for a “no” vote on the Sturla amendment.

Thank you.

The SPEAKER. The gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

If I could briefly, my constituents are as poor as any constituent in any portion of Pennsylvania, as they are in many portions of this State. About 50 percent of my local taxes go to pay for a police department, a local police department, and then

my constituents also pay State taxes just like everyone else in the State, but we do not get free patrols, traffic patrols, from the State Police. We get some of the services that the State Police provide just like every other citizen does in every other part of the State of Pennsylvania, but we do not get free traffic patrols.

This is not about removing those services from those areas that do not have local police departments. In fact, it is about trying to take those dollars and use them for more State Police. The money is going back to pay for more State Police instead of going into the local coffers to be used for sidewalk repair or planting trees or doing whatever they do with those dollars. I am not sure what those municipalities do with those fine moneys.

But this is about the total policing effort in the State of Pennsylvania and who gets to pay for it. It is about equity, and I would urge members to vote "yes."

Thank you.

The SPEAKER. Mr. McNaughton, for the second time.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I would just like to remind the gentleman from Lancaster that nearly 50 percent of the State Police budget comes from the liquid fuels tax, which is generated from the gas tax, the operation of the automobiles on our State highway system.

But to take the gentleman from Lancaster County's argument, I know the constituents in my district pay for welfare benefits, for food stamps, for those other things that his poor constituents use, and I would think it would be disingenuous for me to take away the opportunity for those individuals to have some sustenance of life just like he is trying to do with the police force for protection in my district.

I ask for a "no" vote on the Sturla amendment.

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—75

Adolph	DeLuca	Levdansky	Roebuck
Bebko-Jones	Dermody	Manderino	Ruffing
Belardi	Evans, D.	Mann	Sainato
Beyer	Fabrizio	Markosek	Samuelson
Biancucci	Frankel	McGeehan	Santoni
Bishop	Freeman	Melio	Shapiro
Blackwell	Gannon	Micozzie	Solobay
Blaum	Geist	Myers	Stetler
Butkovitz	Godshall	Nickol	Sturla
Buxton	Hanna	Oliver	Vitali
Caltagirone	Harhai	Pallone	Walko
Casorio	Hennessey	Parker	Waters
Cawley	James	Petrone	Wheatley
Civera	Josephs	Pistella	Williams
Cohen	Kirkland	Preston	Wojnaroski
Costa	Kotik	Ramaley	Wright
Cruz	Leach	Raymond	Youngblood
Curry	Lederer	Readshaw	Yudichak
Daley	Lescovitz	Roberts	

NAYS—115

Allen	Flick	Marsico	Sather
Argall	Forcier	McCall	Saylor
Armstrong	Gabig	McGill	Scavello
Baker	George	McIlhattan	Schroder
Baldwin	Gillespie	McIlhinney	Semmel
Barrar	Gingrich	McNaughton	Siproth

Bastian	Good	Metcalfe	Smith, B.
Belfanti	Goodman	Millard	Smith, S. H.
Benninghoff	Grell	Miller, R.	Sonney
Birmelin	Haluska	Miller, S.	Staback
Boyd	Harhart	Mundy	Stairs
Bunt	Harper	Mustio	Steil
Cappelli	Harris	Nailor	Stern
Causer	Hasay	O'Brien	Stevenson, R.
Clymer	Herman	O'Neill	Stevenson, T.
Cornell	Hershey	Payne	Surra
Corrigan	Hess	Petrarca	Tangretti
Crahalla	Hickernell	Petri	Taylor, E. Z.
Creighton	Hutchinson	Phillips	Tigue
Dally	Kauffman	Pickett	True
Denlinger	Keller, M.	Pyle	Turzai
DeWeese	Kenney	Quigley	Veon
DiGirolamo	Killion	Rapp	Wansacz
Diven	LaGrotta	Reed	Watson
Ellis	Leh	Reichley	Wilt
Evans, J.	Mackereth	Rohrer	Zug
Fairchild	Maher	Rooney	
Feese	Maitland	Ross	Perzel,
Fichter	Major	Rubley	Speaker
Fleagle			

NOT VOTING—1

Grucela

EXCUSED—12

Donatucci	Gergely	Keller, W.	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	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?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, I move for an immediate suspension of the rules for amendment A5051.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we would ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

Mr. Caltagirone?

MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. Caltagirone, withdraws the amendment.

MOTION TO SUSPEND RULES

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

Mr. GABIG. Mr. Speaker, I move for a suspension of the rules for amendment A5034.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The gentleman, Mr. GRUCELA, and the gentleman, Mr. LEACH, request a leave of absence for the remainder of the day. Without objection, those leaves will be granted.

CONSIDERATION OF HB 487 CONTINUED

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

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we would have to ask for a negative vote on this, please.

The SPEAKER. Mr. Gabig.

This is not a debatable motion. If the gentleman would like to explain the amendment briefly.

MOTION WITHDRAWN

Mr. GABIG. What I wanted to do, Mr. Speaker, if it was possible, is withdraw this motion to suspend the rules. I have a separate freestanding bill that we are going to try to work with Representative Mackereth on in the Judiciary Committee. So at this time I would request to withdraw this motion.

The SPEAKER. 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. 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—189

Adolph	Fabrizio	Major	Rublej
Allen	Fairchild	Manderino	Ruffing
Argall	Feese	Mann	Sainato
Armstrong	Fichter	Markosek	Samuelson
Baker	Fleagle	Marsico	Santoni
Baldwin	Flick	McCall	Sather
Barrar	Forcier	McGeehan	Saylor
Bastian	Frankel	McGill	Scavello
Bebko-Jones	Freeman	McIlhattan	Schroder
Belardi	Gabig	McIlhinney	Semmel
Belfanti	Gannon	McNaughton	Shapiro
Benninghoff	Geist	Melio	Siptroth
Beyer	George	Metcalfe	Smith, B.

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Donatucci	Grucela	Leach	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	Yewcic
Gergely	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.

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1802, PN 2566**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further defining "redevelopment assistance capital project"; further providing for procedures for capital budget bill and debt-authorizing legislation and for appropriation for and limitation on redevelopment assistance capital projects; and providing for quarterly reports related to redevelopment assistance capital projects and for the refunding of debt issued under previous authorized acts.

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

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

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

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

I would like to interrogate the chairman of the Appropriations Committee. I would like to get a further explanation on exactly what the Senate amendments were.

The SPEAKER. On the question of interrogation, the gentleman, Mr. Fleagle, has consented to interrogation. The gentleman, Mr. Herman, is in order and may proceed.

Mr. FLEAGLE. Thank you, Mr. Speaker.

The one major section of this bill would require the Secretary of the Budget to provide chairmen of both the Appropriations Committee of the House and Senate with a report related to redevelopment assistance.

It also raises the cap, the amendatory language raises the cap on obligations for redevelopment assistance capital projects by \$500 million.

Mr. HERMAN. Mr. Speaker, I just would like to continue my interrogation, if I may. Am I in order?

The SPEAKER. The gentleman is in order.

Mr. HERMAN. I guess I would like to get a further explanation. What is the necessity of raising the cap by \$500 million? I have a second question to follow after I receive an answer to that one.

Mr. FLEAGLE. Mr. Speaker, to answer the interrogator's question, there is a huge backlog of projects which, frankly, members in this legislature have asked for, and of course, we have got to provide the money for that, and that is the purpose of the raising of this cap.

Mr. HERMAN. Mr. Speaker, my second question or third question then pertains to in caucus we talked about the necessity that this would provide for appropriations and authorization of appropriations for public housing. Is that true?

Mr. FLEAGLE. That is correct. Up to \$25 million.

Mr. HERMAN. And my last question then centers on the fact that has capital project money been used for public housing in the past in the Commonwealth of Pennsylvania through a capital project itemization bill, which we have now before us?

Mr. FLEAGLE. Through the regular capital budget bills, it has been provided in the past. This is a new – what do I want to say – a new approach, though, to that funding.

Mr. HERMAN. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Could I please continue the interrogation?

The SPEAKER. The gentelady is in order.

Mrs. MILLER. Mr. Speaker, you just commented that housing units are going to be included for the first time in this kind of capital budget legislation. Could you please give me the definition of what types of housing units would be included. The previous speaker had mentioned that it would be public housing, but in my reading of this legislation, I see no definition of what we mean when we are going to include housing units in

this legislation and earmark \$25 million, up to that amount, for that purpose.

Mr. FLEAGLE. Thank you, Mr. Speaker.

I appreciate your indulgence.

There is no specific reference to public housing in this section or amendment, but there are specific references in the remainder of the law that prohibit the moneys to go and, as a matter of fact, to be, I imagine, unconstitutional to go to any type of private housing.

Mrs. MILLER. Thank you, Mr. Speaker.

To continue the interrogation, is there any limitation on these housing units being placed on prime agricultural land in this legislation? On one hand, we are putting State funds into preserving our farmland, and on the other hand, now we are putting \$25 million into a fund to increase housing units, and my question is this: Is this going to be earmarked for areas that are zoned for that, or is there any limitation, Mr. Speaker, on allowing these funds to be used for prime farmland conversion into housing?

Mr. FLEAGLE. Two things: This is a cap, number one. It goes up to so much. None of the moneys have to be spent, but there is no specific prohibition in the bill about referring to agricultural land.

Mrs. MILLER. Thank you, Mr. Speaker.

On the bill.

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

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, in that we are charting new waters with this inclusion of housing units in this capital budget bill and, yes, understanding that the language does say up to \$25 million, Mr. Speaker, I am seriously concerned that there are no limitations, no parameters, in this legislation specifically to keep us from going contrary to the will of the General Assembly and several executive branches previously which were earmarked to maintain our prime farmland.

So therefore, Mr. Speaker, I am asking the body to seriously consider voting against this legislation. Thank you.

The SPEAKER. The Chair thanks the gentelady.

Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I rise in support of the legislation. Capital redevelopment assistance is one of the most important economic and most successful economic development programs and tools that the Commonwealth has, and of course, it all requires a huge match locally and oversight by counties and municipalities. So I think that some of the concerns I just heard a few minutes ago are quite unfounded.

Again, capital redevelopment assistance, I think we have all seen how successful a program this is, how it can be used to create jobs throughout the Commonwealth, and the fact that it is necessary to raise that cap, I think, demonstrates how useful this is throughout the Commonwealth of Pennsylvania.

I ask for an affirmative vote.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—170

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

NAYS—19

Armstrong	Ellis	Keller, M.	Rohrer
Benninghoff	Forcier	Maher	Stevenson, R.
Clymer	Grell	Metcalfe	Turzai
Creighton	Herman	Miller, S.	Wilt
Denlinger	Hutchinson	Rapp	

NOT VOTING—0

EXCUSED—14

Donatucci	Grucela	Leach	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	Yewcic
Gergely	Keller, W.		

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

Ordered, That the clerk inform the Senate accordingly.

BILL 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 1802, PN 2566

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further defining "redevelopment assistance capital project"; further providing for procedures for capital budget bill and debt-authorizing legislation and for appropriation for and limitation on redevelopment assistance capital projects; and providing for quarterly reports related to redevelopment assistance capital projects and for the refunding of debt issued under previous authorized acts.

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

COMMITTEE MEETING POSTPONED

The SPEAKER. Does the gentleman, Mr. Gannon, seek recognition? Mr. Gannon?

Mr. GANNON. Thank you, Mr. Speaker.

For a follow-up announcement.

Mr. Speaker, the House Professional Licensure Committee meeting scheduled for tomorrow at 10 a.m. is postponed until Wednesday at 10 a.m. in 39 East Wing; that is Wednesday, December 14, 10 a.m., 39 East Wing, House Professional Licensure Committee.

Thank you, Mr. Speaker.

The SPEAKER. There will be a meeting of the Professional Licensure Committee on Wednesday, December 14, at 10 a.m. in 39 East Wing.

COMMITTEE MEETING CANCELED

The SPEAKER. The gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, the Health and Human Services Committee scheduled for 10 a.m. tomorrow is canceled. Thank you.

The SPEAKER. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, there will be a meeting of the House Judiciary Committee immediately upon the declaration of recess in the back of the House.

Are we recessing or adjourning?

The SPEAKER. Recessing.

Mr. O'BRIEN. When we recess—

The SPEAKER. We are not sure we are recessing yet, Mr. O'Brien.

Mr. O'BRIEN. —in the back of the House.

The SPEAKER. One of you started this, and we have been continuing it on.

The Judiciary Committee will be meeting at the recess in the back of the House.

GAME AND FISHERIES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Smith.
Mr. B. SMITH. Thank you, Mr. Speaker.

The Game and Fisheries Committee will meet tomorrow at 9:30. We are having a presentation by individuals interested in a specific bill. We will have a short presentation. We will adjourn at 10 o'clock for the House session, but I wanted the members to know that we will be voting for one resolution and having a presentation tomorrow.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Game and Fisheries Committee will be meeting tomorrow at 9:30 a.m.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Godshall.
Mr. GODSHALL. Thank you, Mr. Speaker.

I know you allowed me to announce this before, but I just wanted to announce again – there were some people that did not hear it – that there will be a Tourism meeting immediately at the recess in the majority caucus room downstairs.

The SPEAKER. The Chair thanks the gentleman.

There will be a Tourism Committee meeting immediately at the recess in the majority caucus room.

Does Mr. Cohen wish to be recognized?

Mr. Cohen and then Mr. Leh.

Mr. COHEN. Mr. Speaker, a point of parliamentary inquiry.

What time do we go into session tomorrow?

The SPEAKER. We are not done yet today, Mr. Cohen. We will get that answer to you before we leave.

Mr. COHEN. Okay. Well, tomorrow morning at some time before we go into session, I would like to call a caucus. I will await the announcement of the Chair as to what time that is.

The SPEAKER. 10 o'clock. Hold on with that number for one moment.

The gentleman, Mr. Leh.

Mr. LEH. Mr. Speaker, my question is predicated on what time the Democrats may or may not caucus, because I may or may not have to cancel a Finance Committee meeting.

The SPEAKER. We will be back to you in a few moments.

Mr. LEH. Thank you, Mr. Speaker.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 472**, **PN 511**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for donation of used computers; and further defining "taxable income" relating to the corporate net income tax.

On the question,

Will the House agree to the bill on third consideration?

Mr. REICHLLEY offered the following amendment No. **A04888**:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting

Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," providing for a tax credit for donation of used computers; further defining "taxable income" relating to the corporate net income tax; and establishing a tax credit for telecommunication carriers that offer telecommunication services to Pennsylvania National Guard members ordered to active Federal or State service.

Amend Bill, page 1, lines 15 through 20; page 2, lines 1 through 26, by striking out all of said lines on said pages and inserting

Section 1. The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a section to read:

Section 314.1. Tax Credit for Donation of Used Computers.—(a) A taxpayer shall be allowed a credit against the tax imposed by this article for the donation of a used computer to a charitable organization, volunteer firemen's organization, nonprofit education institution or religious organization. The credit authorized by this section shall be equal to the fair market value of the used computer multiplied by the rate of tax imposed pursuant to section 302.

(b) The credit provided under this section shall not exceed the amount of the tax otherwise due under this article.

(c) The Secretary of Revenue may promulgate regulations to implement this section.

Section 2. Section 401(3)1 of the act is amended by adding a paragraph to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(3) "Taxable income." 1. ***

(t) An additional deduction shall be allowed from taxable income in the amount of the fair market value of a used computer donated to a charitable organization, volunteer firemen's organization, nonprofit education institution or religious organization.

Section 3. The act is amended by adding an article to read:

ARTICLE XVIII-C PENNSYLVANIA NATIONAL GUARD TELECOMMUNICATION ACCESS TAX CREDIT

Section 1801-C. Short title.

This article shall be known and may be cited as the Pennsylvania National Guard Telecommunication Access Program.

Section 1802-C. Definitions.

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

"Active member." A member of the Pennsylvania National Guard ordered to active Federal or State service or is injured while on Federal or State active duty.

"Tax credit." The Pennsylvania National Guard telecommunication access tax credit established by this article.

"Telecommunication carrier." An entity that provides telecommunication services subject to the jurisdiction of the Pennsylvania Public Utility Commission.

"Telecommunication services." Includes, but is not limited to, any service provided to facilitate the origination, transmission,

emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, electromagnetic, photoelectronic or photo-optical system and also any service provided by any cable television, satellite, microwave or wireless distribution system or facility, including, but not limited to, any and all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals and services.

Section 1803-C. Purpose.

The purpose of this article is to provide fiscal incentives to telecommunication carriers that provide access to telecommunication services at no cost to active members.

Section 1804-C. Authorization of credit.

A telecommunication carrier that offers active members access to telecommunication services at no cost shall be eligible to receive a tax credit.

Section 1805-C. Calculation of tax credit.

The amount of the tax credit available to a telecommunication carrier which qualifies under this article shall be calculated using only one of the following:

(1) A telecommunication carrier that assigns telecommunication services to an active member shall be eligible to receive a 50% tax credit for the cost of those services.

(2) A telecommunication carrier that assigns telecommunication services to an active member that uses the services assigned shall be eligible for a 100% tax credit for the cost of those services.

Section 1806-C. Taxes against which tax credit may be taken.

The tax credit may be applied against any tax due under Article III, IV or V.

Section 1807-C. Limit on total credit.

The following limits are imposed on the tax credits:

(1) The total tax credit that may be claimed by any single telecommunication carrier shall be not more than \$250,000 in any one single year.

(2) The total amount of all tax credits granted under this article shall be not more than \$5,000,000 in any one fiscal year.

Section 1808-C. Powers and duties.

The Department of Revenue shall have the power and duty to do all of the following:

(1) Promulgate and publish any rules and regulations which may be required to implement this article.

(2) Publish as a notice in the Pennsylvania Bulletin forms upon which taxpayers may apply for the tax credit.

(3) Within five months after the close of any calendar year during which tax credits granted under this article were used, furnish to the members of the General Assembly an annual report concerning each telecommunication carrier which used tax credits during the preceding calendar year pursuant to this article which includes all of the following:

(i) The name and address of the telecommunication carrier.

(ii) The number of active members that were assigned telecommunication services.

(iii) The number of active members that used their assigned telecommunication services.

(iv) The total amount of telecommunication services used by active members.

(v) The amount of tax credits granted.

Section 4. This act shall apply to taxable years beginning after December 31, 2005.

Section 5. This act shall take effect immediately.

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

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

Mr. REICHLEY. Thank you, Mr. Speaker.

This amendment is a composite of language that had been offered by myself and also Representative Surra. It includes his tax credit for telecommunication services for I believe it is National Guardsmen, but I appreciate the members being able to pass this. This gives a tax credit for used computer donations, so it not only helps the environment by keeping these devices out of the dumps but spurs economic activity, and I appreciate a positive vote by the members.

Thank you.

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Donatucci	Grucela	Leach	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	Yewcic
Gergely	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. 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—189

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

Ellis	Mackereth	Rohrer	
Evans, D.	Maher	Rooney	Perzel,
Evans, J.	Maitland	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—14

Donatucci	Grucela	Leach	Taylor, J.
Eachus	Gruitza	Rieger	Thomas
Gerber	Habay	Shaner	Yewcic
Gergely	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.

FINANCE COMMITTEE MEETING

The SPEAKER. Mr. Leh, for a committee announcement.

Mr. LEH. Thank you, Mr. Speaker.

I would like to announce that the House Finance Committee of the special session on tax reform, the meeting will be held tomorrow morning at 9:30. All special session members should expect to be there.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House Finance Committee of the special session will meet tomorrow at 9:30 a.m.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, there will be a Democratic caucus tomorrow at 11:30 a.m.; 11:30 a.m. tomorrow.

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

ANNOUNCEMENT BY MRS. TAYLOR

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

Mrs. TAYLOR. There will be no Republican caucus tomorrow morning, and if there is a caucus, it will be announced from the floor. It is my understanding that we will be coming in at 10 o'clock. Is that right, Mr. Speaker?

The SPEAKER. The gentlelady is correct.

THE SPEAKER PRO TEMPORE (PATRICK E. FLEAGLE) PRESIDING

RECESS

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

AFTER RECESS

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

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

SB 862, PN 1319 By Rep. GODSHALL

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals, for licensing of key employees, for recusal and disqualification of members, for alternate members, for initial applications and for code of conduct; and further providing for occupation permit application, for gross terminal revenue deductions, for transfers from the State Gaming Fund, for public official financial interests, for political influence and for enforcement.

TOURISM AND RECREATIONAL DEVELOPMENT.

SB 881, PN 1414 By Rep. O'BRIEN

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; and making a related repeal.

JUDICIARY.

SB 895, PN 1417 (Amended) By Rep. O'BRIEN

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

JUDICIARY.

SB 897, PN 1369 By Rep. O'BRIEN

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

JUDICIARY.**RECESS**

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

AFTER RECESS

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING****BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND Tabled**

HB 2283, PN 3295 (Amended) By Rep. O'BRIEN

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

JUDICIARY.

HB 2286, PN 3296 (Amended) By Rep. O'BRIEN

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

JUDICIARY.

HB 2288, PN 3297 (Amended) By Rep. O'BRIEN

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

JUDICIARY.

HB 2291, PN 3298 (Amended) By Rep. O'BRIEN

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

JUDICIARY.

HB 2317, PN 3294 (Amended) By Rep. FEESE

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects and Motor License Fund projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services; stating the estimated useful life of the projects; providing an exemption; and making appropriations.

APPROPRIATIONS.

SB 1034, PN 1398 By Rep. FEESE

An Act amending the act of July 7, 2005 (P.L. , No.1A), increasing the State appropriation for payment of law enforcement officers' and emergency response personnel death benefits.

APPROPRIATIONS.

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 Butler, Mr. Ellis.

Mr. ELLIS. Mr. Speaker, I move that this House do now recess until Tuesday, December 13, 2005, at 10:22 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:21 a.m., e.s.t., Tuesday, December 13, 2005, the House recessed.