

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 14, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 78

HOUSE OF REPRESENTATIVES

The House convened at 11:15 a.m., e.s.t.

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

PRAYER

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

As we stand here today just before the coming of the new year, we have a lot to reflect about and be thankful to the Almighty that we are around again another coming year. What I think we should do is make internally in our hearts a commitment to God that we will try to do better than we have done this year. Each individual must strive to do so.

We ask God to grant all of you much success and happiness and joy these coming holidays of Hanukkah and Christmas and give you, I believe you would say, a jolly good time during these holidays. Enjoy yourselves. You have earned the right, and when you come back, you will be well prepared to continue to do the work for your constituents. May God grant all of you the strength and the dignity to be able to do so. Amen.

I would like to say a prayer for the soldiers, please.

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the Armed Forces of the United States of America, who stand in guard all over the world. May the Holy One, blessed be He, preserve and rescue our fighting men from every trouble and distress, from every plague and illness, and may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is God, your God, who goes with you to battle your enemies for you, to save you, and let us say amen.

(Prayer in Hebrew.)

May He who grants salvation to the kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, Governor, and the House of Representatives of the State of Pennsylvania.

The King who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury; may He rescue them; may He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart, into the heart of all of the counselors and officials compassion to do good for us and with all of the people wherever they are.

In these days and in ours, so may it be His will, the Almighty's will. Now let us all say amen.

STATEMENT BY RABBI ISAACSON

RABBI ISAACSON. I would like to, on a personal note, wish all of you a happy holiday and a happy Hanukkah, and for those of you that are here, I believe you have on your desk a packet of chocolate candy, lactose intolerant – it is nondairy – and a dreidel. A dreidel is used to play games on Hanukkah. So if you want to know how to play, make sure I tell you the rules so you will always win and everybody else will always lose. You know, you come to the rabbi for those lessons.

But anyway, I would like to wish again all of you a happy and a healthy Hanukkah and a bright Hanukkah and a bright holiday for all of you. And by the way, if the colors do not match the individual, I believe there is enough of you here that you can trade colors – you know, pink, yellow, green, blue, whatever. If it does not, I did not put them out.

But anyway, God bless and take care of all of you.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, December 13, 2005, will be postponed until printed.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 15;
HB 565;

HB 601;
 HB 1591;
 HB 1618;
 HB 1725;
 HB 1813;
 HB 1854;
 HB 1855;
 HB 1856;
 SB 384; and
 HB 760.

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 15, PN 3167; HB 565, PN 3150; HB 601, PN 3053; HB 1591, PN 1997; HB 1618, PN 3306; HB 1725, PN 2192; HB 1813, PN 3214; HB 1854, PN 3241; HB 1855, PN 3242; HB 1856, PN 3243; SB 384, PN 1412; and HB 760, PN 3000.

BILLS RECOMMITTED

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

HB 15;
 HB 565;
 HB 601;
 HB 1591;
 HB 1618;
 HB 1725;
 HB 1813;
 HB 1854;
 HB 1855;
 HB 1856;
 SB 384; and
 HB 760.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
 Mr. S. SMITH. Mr. Speaker, I move that SB 151 be taken off the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. S. SMITH. Mr. Speaker, I move that SB 151 be placed upon the table.

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

GUEST INTRODUCED

The SPEAKER. We have a special guest here today. His name is Paul Jokiel. He is a specialist with the 80th Division of the U.S. Army Reserves. He is recently back from a tour in Iraq. He is the guest of Representative Dennis Leh. He is standing to the left of the Speaker. Would that guest please rise and be recognized.

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 163, PN 3311 By Rep. S. SMITH

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

RULES.

HB 1686, PN 3174 By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of paintball guns and paintball markers, criminal mischief and sale and use of air rifles.

RULES.

HB 1690, P N 3218 By Rep. S. SMITH

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

RULES.

SB 157, PN 1422 By Rep. S. SMITH

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

RULES.

BILL REREPORTED FROM COMMITTEE**SB 300, PN 710**

By Rep. S. SMITH

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

RULES.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 163, PN 3311; HB 1686, PN 3174; and HB 1690, PN 3218**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 603, PN 676**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 157, PN 1422**.

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

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 603, PN 676

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" to include certain Pennsylvania Game Commission employees.

SB 358, PN 1141

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

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Lancaster, Mr. ARMSTRONG, for the day. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Allegheny, Mr. DERMODY; the gentleman from Philadelphia, Mr. KELLER; and the gentlelady from Philadelphia, Mrs. LEDERER. Without objection, those leaves will also be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

PRESENT—194

Adolph	Fairchild	Maitland	Ruble
Allen	Feese	Major	Ruffing
Argall	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	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Sipthoth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	Miller, S.	Stairs
Bunt	Goodman	Mundy	Steil
Butkovitz	Grell	Mustio	Stern
Buxton	Grucela	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Kenney	Ramaley	Wheatley
Denlinger	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Youngblood
Eachus	Leh	Roberts	Yudichak

Ellis	Lescovitz	Roebuck	Zug
Evans, D.	Levdansky	Rohrer	
Evans, J.	Mackereth	Rooney	Perzel,
Fabrizio	Maher	Ross	Speaker

ADDITIONS—0

NOT VOTING—1

Habay

EXCUSED—8

Armstrong	Gruitza	Lederer	Shaner
Dermody	Keller, W.	Rieger	Yewcic

LEAVES CANCELED—2

Armstrong	Dermody
-----------	---------

HARRISBURG LEGISLATIVE LEAVE

Mr. STETLER. Mr. Speaker?

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

Mr. STETLER. Would you put Representative MUNDY on Capitol leave, please.

The SPEAKER. Without objection, the Representative will be on Capitol leave.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Last night a pair of glasses was left on Representative Metcalfe's desk. If anybody lost them, they are up here at the rostrum.

CALENDAR

RESOLUTION

Mr. FAIRCHILD called up **HR 529, PN 3203**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Fairchild	Maitland	Rubley
Allen	Feese	Major	Ruffing
Argall	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	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—8

Armstrong	Gruitza	Lederer	Shaner
Dermody	Keller, W.	Rieger	Yewcic

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2296, PN 3210**, entitled:

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

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

Mr. GEORGE offered the following amendment No. A05181:

Amend Title, page 1, line 2, by inserting after "for" tuition credit for children and spouses of deceased soldiers and for

Amend Sec. 1, page 1, line 6, by inserting after "Sections" 3503(a),

Amend Sec. 1, page 1, by inserting between lines 7 and 8 § 3503. Tuition credit for children and spouses of deceased soldiers.

(a) General rule.—The children and unmarried surviving spouses of members of the Pennsylvania National Guard who were killed or die as a result of injuries received while in Federal or State active duty shall be entitled to a 50% tuition credit at all Pennsylvania State-owned colleges or universities or approved trade schools in this Commonwealth for a period not exceeding eight semesters or four years, whichever is greater.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, amendment A05181. Mr. Speaker, this goes along with recently proposed Republican legislation HB 2296, which is a very fine bill giving further benefits to those Pennsylvanians in military service.

Now, this is good legislation that will help our military service members help maintain their personal and professional licenses while in the service.

Further, this amendment will be providing for the family member's education if they fall in service to our country. It is really the least that we can do in regard to their service and their giving of their all. Their spouses should be able to get an education with all the help that we can give him. This amendment allows a 50-percent credit for that education cost, and I want to thank Mr. Semmel and the gentleman, Mr. Tigue, for their cooperation on this, and I would ask that you allow this to go forward.

Thank you.

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

Mr. SEMMEL. Thank you, Mr. Speaker.

I will encourage our members to support the George amendment.

Thank you very much.

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—194

Table listing names of members who voted 'YEAS' (194 total): Adolph, Allen, Argall, Baker, Baldwin, Barrar, Bastian, Bebk-Jones, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello.

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—8

Table listing names of members who were 'EXCUSED' (8 total): Armstrong, Dermody, Gruitza, Keller, W., Lederer, Rieger, 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, 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—194

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—8

Armstrong	Gruitza	Lederer	Shaner
Dermody	Keller, W.	Rieger	Yewcic

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

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 111, PN 3291**, as further amended by the House Rules Committee:

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.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Would the gentleman stand for brief interrogation?

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

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. May I please ascertain with my staff as to whether this bill was caucused?

The SPEAKER. The House will be at ease.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the prime sponsor—

The SPEAKER. He indicated he would.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. Mr. Raymond will take it.

Mr. VITALI. Thank you, Mr. Speaker.

To be clear, is this the bill we discussed informally—

Mr. RAYMOND. Yes, it is.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

I have no further questions.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—163

Adolph	Fairchild	Marsico	Samuelson
Allen	Feese	McCall	Santoni
Argall	Fichter	McGeehan	Saylor
Barrar	Flick	McGill	Scavello

Bastian	Frankel	McIlhattan	Schroder
Bebko-Jones	Freeman	McIlhinney	Semmel
Belardi	Gannon	McNaughton	Shapiro
Belfanti	George	Melio	Siptroth
Benninghoff	Gerber	Micozzie	Smith, B.
Beyer	Gergely	Millard	Smith, S. H.
Biancucci	Gillespie	Miller, R.	Solobay
Bishop	Gingrich	Mundy	Sonney
Blackwell	Godshall	Mustio	Staback
Blaum	Good	Myers	Stairs
Bunt	Goodman	Nailor	Steil
Butkovitz	Grell	Nickol	Stetler
Buxton	Grucela	O'Brien	Stevenson, T.
Caltagirone	Haluska	Oliver	Sturla
Cappelli	Hanna	O'Neill	Surra
Casorio	Harhai	Pallone	Tangretti
Causer	Harhart	Parker	Taylor, E. Z.
Cawley	Harper	Payne	Taylor, J.
Civera	Harris	Petrarca	Thomas
Clymer	Hasay	Petri	Tigue
Cohen	Hennessey	Petrone	Turzai
Cornell	Herman	Pistella	Veon
Corrigan	Hershey	Preston	Vitali
Costa	James	Pyle	Walko
Crahalla	Josephs	Quigley	Wansacz
Cruz	Kenney	Ramaley	Waters
Curry	Killion	Raymond	Watson
Daley	Kirkland	Readshaw	Wheatley
Dally	LaGrotta	Reed	Williams
DeLuca	Leach	Reichley	Wilt
DeWeese	Lescovitz	Roberts	Wojnaroski
DiGirolamo	Levdansky	Roebuck	Wright
Diven	Maher	Rooney	Youngblood
Donatucci	Maitland	Ross	Yudichak
Eachus	Manderino	Rubley	
Evans, D.	Mann	Ruffing	Perzel,
Evans, J.	Markosek	Sainato	Speaker
Fabrizio			

NAYS—31

Baker	Forcier	Kotik	Rapp
Baldwin	Gabig	Leh	Rohrer
Birmelin	Geist	Mackereth	Sather
Boyd	Hess	Major	Stern
Creighton	Hickernell	Metcalfe	Stevenson, R.
Denlinger	Hutchinson	Miller, S.	True
Ellis	Kauffman	Phillips	Zug
Fleagle	Keller, M.	Pickett	

NOT VOTING—1

Habay

EXCUSED—8

Armstrong	Gruitza	Lederer	Shaner
Dermody	Keller, W.	Rieger	Yewciv

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

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

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Leh, for the purpose of an announcement.

Mr. LEH. Thank you, Mr. Speaker.

For the purpose of making a committee announcement, the House Finance Committee in special session will have a meeting immediately at the break in room 60E. I would ask all members to get there as promptly as possible. We have a number of bills we want to kick out of committee.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will meet in room 60E at the break.

**LABOR RELATIONS
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

Because of the Finance Committee meeting, the Labor Relations Committee meeting will be held at 12:30; 12:30 in the library of the Ryan Building; at 12:30.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Labor Relations Committee will meet in the library of the Ryan Building at 12:30.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Mr. Speaker, at 1 o'clock, 1 o'clock, there will be a Republican caucus; 1 o'clock, Republican caucus.

**STATE GOVERNMENT
COMMITTEE MEETING**

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, upon the call of recess, the State Government Committee will be meeting in room 205 in the Ryan Building; that is upon the call of recess in room 205 in the Ryan Building.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The State Government Committee will meet in room 205 in the Ryan Building at the break.

DEMOCRATIC CAUCUS

The SPEAKER. Would the Democrats like to make an announcement about caucus? I do not see the gentleman, Mr. Cohen.

Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, immediately upon the call of the recess, the House Democrats will hold an informal caucus. We will begin a formal caucus at 1 o'clock to discuss today's voting calendar, and we urge the members' attendance.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

RECESS

The SPEAKER. This House is in recess until 2 p.m.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(JERRY BIRMELIN) PRESIDING****HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2324 By Representatives READSHAW, CALTAGIRONE, CASORIO, GERGELY, GOODMAN, KIRKLAND, KOTIK, LaGROTTA, LEDERER, MAHER, MARKOSEK, MELIO, PISTELLA, PRESTON, STABACK and WALKO

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, establishing a lost and found pet program.

Referred to Committee on LOCAL GOVERNMENT, December 14, 2005.

No. 2325 By Representatives REICHLEY, THOMAS, BALDWIN, BEYER, CALTAGIRONE, CREIGHTON, DALLY, DeWEESE, HARRIS, LEDERER, McILHATTAN, RUBLEY and STABACK

An Act amending the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers and Consumer Equity Protection Act, providing for winding up of business and waiver of license renewal fees.

Referred to Committee on COMMERCE, December 14, 2005.

No. 2326 By Representatives READSHAW, BEBKO-JONES, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CORRIGAN, DeWEESE, FRANKEL, FREEMAN, GERGELY, HERMAN, KOTIK, LEDERER, MAHER, MARKOSEK, McGEEHAN, NAILOR, PALLONE, PISTELLA, REICHLEY, SAINATO, SHAPIRO, SOLOBAY, STABACK, TANGRETTI, WALKO, WATSON and FABRIZIO

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

Referred to Committee on JUDICIARY, December 14, 2005.

No. 2327 By Representatives GOOD, MANN, ALLEN, BAKER, BEBKO-JONES, BELFANTI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CRAHALLA, DENLINGER, J. EVANS, FABRIZIO, FAIRCHILD, FRANKEL, GEIST, GEORGE, GINGRICH, GOODMAN, GRELL, HARRIS, HERMAN, HERSHEY, M. KELLER, KENNEY, KILLION, KOTIK, LEDERER, MARKOSEK, McILHATTAN, NAILOR, PETRARCA, PICKETT, READSHAW, REED, REICHLEY, ROSS, RUBLEY, SATHER, SAYLOR, SCAVELLO, B. SMITH, SONNEY, STERN, SURRA, J. TAYLOR, WANSACZ, WATSON, WILT, YOUNGBLOOD, YUDICHAK, BEYER, TURZAI, WALKO, E. Z. TAYLOR, SEMMEL and HARHART

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 business health care.

Referred to Committee on FINANCE, December 14, 2005.

No. 2329 By Representatives GANNON, MARKOSEK, MANN, TIGUE, STABACK, GINGRICH, SOLOBAY, GOOD, HERMAN, READSHAW, CREIGHTON, DONATUCCI, WILT, CAPPELLI, BELFANTI, HASAY, YOUNGBLOOD, CALTAGIRONE, J. TAYLOR, DeLUCA, BUNT, E. Z. TAYLOR, B. SMITH and GOODMAN

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, defining "retail gasoline dispenser" and "retail heating oil dispenser"; further providing for powers and duties of the State Board of Vehicle Manufacturers, Dealers and Salespersons and for license to engage in business; providing for unlawful act by retail gasoline dispenser or retail heating oil dispenser; further providing for penalties; and providing for civil action for violation by retail gasoline dispenser or retail heating oil dispenser.

Referred to Committee on TRANSPORTATION, December 14, 2005.

No. 2330 By Representatives DERMODY, PETRARCA, WALKO, PALLONE, LaGROTTA, BEBKO-JONES, CORRIGAN, JAMES, STABACK and MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the purchase, sale and use of alcohol vaporizing devices; and imposing a penalty.

Referred to Committee on JUDICIARY, December 14, 2005.

No. 2331 By Representatives ZUG, BOYD, BUNT, CALTAGIRONE, CLYMER, GEIST, GEORGE, GINGRICH, GOODMAN, HERMAN, HERSHEY, JAMES, MARSICO, MUNDY, MUSTIO, READSHAW, REICHLEY, SAYLOR, SONNEY, E. Z. TAYLOR, WANSACZ, YOUNGBLOOD, SEMMEL, STABACK and BEYER

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for professional and trade association rate protection.

Referred to Committee on INSURANCE, December 14, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 656, PN 1405

Referred to Committee on URBAN AFFAIRS, December 14, 2005.

SB 770, PN 1416

Referred to Committee on COMMERCE, December 14, 2005.

SB 811, PN 1234

Referred to Committee on STATE GOVERNMENT, December 14, 2005.

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 712, PN 1410**.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the chairman of the Rules Committee, Mr. Smith, who calls for an immediate meeting of the Rules Committee at his desk.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 461, PN 3320 (Amended)** By Rep. B. SMITH

A Resolution memorializing the President and Congress of the United States to revise the requirement that applicants for hunting and fishing licenses provide their Social Security numbers.

GAME AND FISHERIES.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 1539, PN 3176** By Rep. S. SMITH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for reports to the Secretary of Revenue; and establishing and providing for appropriation to the Emergency Energy Assistance Fund.

RULES.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 881, PN 3321 (Amended)** By Rep. ALLEN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for administration and enforcement, for applications and inspections, for changes in Uniform Construction Code, for appeals and for education and training program.

LABOR RELATIONS.

HB 1215, PN 3322 (Amended) By Rep. ALLEN

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, defining "independent contractor"; further providing for liability to independent contractors, for subcontracting with independent contractors and for proof of insurance; providing for registration of independent contractors and for presumptions relating to independent contractors; imposing duties upon the Department of Labor and Industry; and further providing for offenses.

LABOR RELATIONS.

HB 2319, PN 3281 By Rep. ALLEN

An Act prohibiting the use of illegal immigrant labor on economic development projects; imposing powers and duties on the Department of Community and Economic Development; and providing for remedies.

LABOR RELATIONS.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair is in receipt of a correction of the record for the gentleman, Mr. Birmelin. He asks that the record reflect that on HB 1802 on yesterday's vote, that he be recorded in the negative. The gentleman's remarks will be spread upon the record.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I request that SB 736 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 736, PN 1411.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I now move that SB 736 be recommitted to the Appropriations Committee.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman, Mr. Armstrong, and asks that his name be added to the master-roll-call list.

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. NAILOR called up **HR 539, PN 3309**, entitled:

A Resolution directing the Department of Environmental Protection to place a moratorium on all actions required of affected entities relating to implementation of the Pennsylvania Chesapeake Bay Tributary Strategy for a period of nine months from the date the adoption of this resolution.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—7

Dermody	Keller, W.	Rieger	Yewcic
Gruitza	Lederer	Shaner	

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

HARRISBURG LEGISLATIVE LEAVE

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

Mr. BELARDI. Thank you, Mr. Speaker.

I rise to place Representative T. J. ROONEY on Capitol leave for the balance of the day.

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

Mr. BELARDI. Thank you.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2293, PN 3208

By Rep. CLYMER

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

STATE GOVERNMENT.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2223, PN 3235**, entitled:

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.

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

RULES SUSPENDED

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Semmel, for the purpose of making a motion to suspend the rules to offer an amendment.

Mr. SEMMEL. Thank you, Mr. Speaker.

I rise to make a motion to suspend the rules of the House to offer amendment No. A05257, which makes several technical changes to HB 2223, which reauthorizes the Pennsylvania One Call statute scheduled to sunset in December of 2006.

The SPEAKER pro tempore. The gentleman, Mr. Semmel, moves that the rules be suspended for the purpose of offering amendment No. 5257.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—7

Dermody	Keller, W.	Rieger	Yewcic
Gruitzza	Lederer	Shaner	

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

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

Mr. SEMMEL offered the following amendment No. **A05257**:

Amend Title, page 2, lines 1 through 25, by striking out all of said lines and inserting

Amending the act of December 10, 1974 (P.L.852, No.287), entitled "An act to protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders of deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties," 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.

Amend Bill, page 32, lines 13 through 30; pages 33 through 62, lines 1 through 30; page 63, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. The title of the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, is amended to read:

AN ACT

To protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, propane, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders of deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties.

Section 2. Section 1 of the act, amended November 30, 2004 (P.L.1567, No.199), is amended to read:

Section 1. As used in this act:

“Abandoned” means no longer in service and physically disconnected from a line.

“Business day” means any day except a Saturday, Sunday or legal holiday prescribed by statute. A business day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

“Cartway” means that portion of a street which is improved by surfacing with permanent or semipermanent material and is intended for vehicular traffic.

“Common Ground Alliance best practices” means the damage prevention industry recommended standards issued by the Common Ground Alliance, a not-for-profit corporation created pursuant to the issuance of the United States Department of Transportation’s Common Ground Task Force report in 1999.

“Complex project” means an excavation that involves more work than properly can be described in a single locate request or any project designated as such by the excavator as a consequence of its complexity or its potential to cause significant disruption to lines or facilities and the public, including excavations that require scheduling locates over an extended time frame.

“Consumer Price Index” means the index of consumer prices developed and updated by the Bureau of Labor Statistics of the United States Department of Labor.

“Contractor” means any person who or which performs excavation or demolition work for himself or for another person.]

“Continuing property records” means a record required pursuant to 66 Pa.C.S. § 1702 (relating to continuing property records).

“Culvert” means a sewer or drain crossing a road or embankment, a part of a road or embankment that passes over a sewer or drain or the channel or conduit for a sewer or drain.

“Demolition work” means the partial or complete destruction of a structure, by any means, served by or adjacent to a line or lines.

“Department” means the Department of Labor and Industry of the Commonwealth.

“Designer” means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.

“Emergency” means a sudden or unforeseen occurrence involving a clear and immediate danger to life [or], property and the environment, including, but not limited to, serious breaks or defects in a facility owner’s lines.

“Engineering control” means man-made controls designed to isolate or contain in the ground waste or materials hazardous to human health and the environment. The term includes all of the following:

(1) Hazardous, municipal, residual and radioactive waste landfills.

(2) Vaults, repositories and in-situ stabilization.

(3) Caps on residual contamination.

(4) Groundwater pump and treat systems, leachate collection systems and monitoring and containment systems.

“Excavation work” means the use of powered equipment or explosives in the movement of earth, rock or other material, and includes but is not limited to anchoring, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in,

pulling-in, ripping, scraping, trenching and tunneling, but does not include soft excavation technology such as vacuum, high pressure air or water, tilling of soil for agricultural purposes to a depth of less than eighteen inches, the direct operations necessary or incidental to the purposes of finding or extracting natural resources[,] or the Department of Transportation and political subdivisions performing minor routine maintenance up to a depth of [less than eighteen] twelve inches within the [right-of-way of] cartway of public roads or [employees of the Department of Transportation performing within the scope of their employment work up to a depth of twenty-four inches beneath the existing surface within the right-of-way of a State highway.] within six inches of the remaining right-of-way of public roads.

“Excavator” means any person who or which performs excavation or demolition work for himself or for another person.

“Facility owner” means the public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns or operates a line. [The term does not include the Department of Transportation within a State highway right-of-way.] The term does not include any of the following:

(1) A person serving the person’s own property through the person’s own line if the person does not provide service to any other customer.

(2) A person using a line which the person does not own or operate if the use of the line does not serve more than a single property.

“Final design” means the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or the date the project is set for construction in the absence of a bid.

“Horizontal directional drilling” means the use of horizontal boring devices that can be guided between a launch point and a reception point beneath the earth’s surface.

“Line” or “facility” means an engineering control or an underground conductor or underground pipe or structure used in providing electric or communication service, or an underground pipe used in carrying, gathering, transporting or providing natural petroleum or artificial gas, propane, oil or [oil] petroleum and production product, sewage, water or other service to one or more transportation carriers, consumers or customers of such service and the appurtenances thereto, regardless of whether such line or structure is located on land owned by a person or public agency or whether it is located within an easement or right-of-way. The term includes storm drainage and traffic loops.

“Locate request” means a communication between an excavator or designer and the One Call System in which a request for locating facilities is processed.

“Minor routine maintenance” means shaping of or adding dust palliative to unpaved roads, removal and application of patches to the surface or base of flexible base, rigid base or rigid surface roads by either manual or mechanized method to the extent of the existing exposed base material, crack and joint sealing, adding dust palliative to road shoulders, patching and cutting of shoulders and shoulder bases by either manual or mechanized methods to the extent of the existing exposed base, and cleaning of inlets and drainage pipes and ditches.

“One Call System” means [a] the communication system established within this Commonwealth to provide a single nationwide toll-free telephone number or 811 number for [contractors] excavators or designers or any other person covered by this act to call facility owners and notify them of their intent to perform excavation, demolition or similar work as defined by this act. [A] The One Call System shall be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

“Operator” means any individual in physical control of powered equipment or explosives when being used to perform excavation or demolition work.

“Owner” means any person who or which engages a contractor for construction or any other project which requires excavation or demolition work as herein defined.]

“Person” means an individual, partnership, corporation, political subdivision, a municipal authority, the Commonwealth and its agencies and instrumentalities, or any other entity.

“Powered equipment” means any equipment energized by an engine or motor and used in excavation or demolition work.

“Preconstruction request” means a notification to facility owners regarding a complex project.

“Project owner” means any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.

“Secretary” means the Secretary of Labor and Industry of the Commonwealth.

“Site” means the specific place denoted on the locate request where excavation or demolition work is being or is planned to be performed. A site should be denoted as a clearly defined, bounded area, including relevant identifiable points of reference such as the specific address with a specific description as to the portion of the property, including descriptions such as front, back, left side, right side and direction such as N, S, E, W or variants. Where possible, the points should also reference, without limitation, the size and radius or circumference of the excavation, utility pad or pedestal numbers, utility pole numbers, landmarks, including trees, fountains, fences, railroads, highway and pipeline markers, and latitude and longitude.

“Subsurface Utility Engineering” or “(SUE)” means those techniques set forth in the American Society of Civil Engineers (ASCE) standard CI/ASCE 38-02, or its successor document as determined by the One Call System.

“Traffic loop” means a device that detects metal object such as cars and bicycles based on the change in inductance that they induce in the device.

“Tolerance zone” means the horizontal space within eighteen inches of the outside wall or edge of a line or facility.

[“Working day” means any day except a Saturday, Sunday or legal holiday prescribed by act of the General Assembly.]

Section 3. Sections 2 and 3 of the act, amended November 30, 2004 (P.L.1567, No.199), are amended to read:

Section 2. It shall be the duty of each facility owner:

(1) To be a member of and give written notice to [a] the One Call System. Such notice shall be in a form acceptable to [a] the One Call System and include:

(i) the legal name of the facility owner[;] and their official mailing address;

(ii) the names of the counties and municipalities, down to and including wards in Philadelphia, Pittsburgh, Allentown and Erie, in which its lines are located and other related information as may be required by the One Call System regarding the location of a member’s facilities;

(iii) the facility owner’s address (by street, number and political subdivision), and the telephone number and fax number, if available, to which inquiries may be directed as to the location of such lines; [and]

(iv) [at the option of any facility owner,] the street identifications[, within or outside of the municipality] or like information within each of the municipalities in which its lines are located. This information shall be in a form acceptable to [a] the One Call System, [and shall include the names of streets bounding, crossing or adjacent to the facility owner’s lines.] Upon [receipt of a signed street identification list] acceptance of the information from a facility owner, [a] the One Call System shall provide the facility owner with notification within the boundaries described [in the street identification list]. All facility owners [which opt for this service] shall agree to indemnify and hold harmless [a] the One Call System for any [street identity] errors and omissions on the part of the facility owner or the [contractor] excavator or designer providing [street identifications.] the information as the agent of the facility owner; and

(v) any other information required by the One Call System.

(2) [To give to a One Call System like written notice within five working days after any of the matters stated in the last previous

notice shall have changed.] To provide the One Call System, within five business days, with any revised information required under this section.

(4) Not more than ten [working] business days after receipt of a request [therefor] from a designer who identifies the site of excavation or demolition work for which he is preparing a drawing, to initially respond to his request for information as to the position and type of the facility owner’s lines at such site based on the information currently in the facility owner’s possession[,] or to mark the plans which have been provided to it by the designer by field location or by another method agreed to by the designer, excavator and facility owner, or their agent. The facility owner shall so advise the person making the request of the facility owner’s status at the site through [a] the One Call System.

(5) [Not more than two working days after] After receipt of a timely request [therefor] from [a contractor] an excavator or operator who identifies the site of excavation or demolition work he intends to perform[;] and not later than the business day prior to the scheduled date of excavation:

(i) To mark, stake, locate or otherwise provide the position of the facility owner’s underground lines at the site within eighteen inches horizontally from the outside wall of such line in a manner so as to enable the [contractor] excavator, where appropriate, to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the underground facility owner’s lines. This shall be done to the extent such information is available in the facility owner’s records or by use of standard locating techniques other than excavation. In the excavation phase, facility owners shall make reasonable efforts to locate or notify excavators of the existence and type of abandoned lines that remain on their continuing property records.

(i.1) [A] To, where contained on its continuing property records, [facility owner may] identify the location of [a known facility connected] an actually known facility’s point of connection to its facilities, [but] where the point of connection is not owned or operated by the facility owner[, as a helpful guide to the excavator or owner]. The identification shall not be deemed to impose any liability upon the facility owner for the accuracy of the [private facility] other facility’s identification.

(ii) [A facility owner,] To, at its option, [may] timely elect to excavate around its facilities in fulfillment of this subparagraph.

(iii) To propose mutually agreeable scheduling by which the excavator, facility owner or designer may locate the facilities.

(v) To respond to all notices through [a] the One Call System, provided the request is made in the time frame set forth under this act. The response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the scheduled date of excavation, if the excavator specifies a later date. In the case of an emergency, to respond through the One Call System as soon as practicable following receipt of notification of the emergency by the One Call System.

(vi) In marking the approximate position of underground lines or facilities, the facility owner shall follow [American Public Works Association and Utility Locating and Coordination Council Temporary Marking Standards.] the Common Ground Alliance Best Practices for Temporary Marking set forth in ANSI standard 7535.1. Should the [American Public Works Association and Utility Locating and Coordination Council Temporary Marking Standards] Common Ground Alliance Best Practices be amended, the amended [standards] guidelines shall be applied and followed. If the Common Ground Alliance Best Practices no longer publishes guidelines for temporary markings or if the responsibility for publishing the guidelines is transferred to or assumed by another entity, the facility owner shall follow the guidelines approved by the One Call System’s board of directors.

(vii) To respond to [emergencies] emergency notifications as soon as [practical] practicable following receipt of notification of such

emergency. The response by the facility owner shall be consistent with the nature of the emergency information received by the facility owner.

(viii) To participate in preconstruction meetings for a complex project or as described in clause (3) of section 5.

(8) Operation costs for a One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by a One Call System's board of directors. Political subdivisions with a population of less than two thousand persons or municipal authorities having an aggregate population in the area served by the municipal authority of less than five thousand persons shall be exempt from payment of any service fee.]

(9) If a facility owner fails to become a member of [a] the One Call System in violation of this act and a line or lines of such nonmember facility owner are damaged by [a contractor] an excavator by reason of the [contractor's] excavator's failure to notify the facility owner because the facility owner was not a member of [a] the One Call System serving the location where the damage occurred, such facility owner shall have no right of recovery from the [contractor] excavator of any costs associated with the damage to its lines. The right herein granted shall not be in limitation of any other rights of the [contractor] excavator.

(10) To submit an incident report to the department not more than ten [working] business days after receipt of notice that the facility owner's lines have been damaged by excavation or demolition activities that resulted in personal injury or in property damage to parties other than the affected excavator or facility owner. In addition, the incident report may likewise be furnished to the Pennsylvania Public Utility Commission and the Pennsylvania Emergency Management Agency pursuant to memoranda of understanding negotiated between these agencies and the department[.], which shall, at a minimum, provide for a common reporting format for incident reports. The department shall furnish to [a] the One Call System, upon reasonable request, statistical data pertaining to the number of incident reports filed with the department and the type, number and results of investigations for violations of this act.

(11) To comply with all requests for information by the department relating to the department's enforcement authority under this act within thirty days of the receipt of the request.

Section 3. It shall be the duty of [a] the One Call System to do the following:

(1.1) To assign [a serial number and] one or more serial numbers and the date that the site may legally be excavated and to log the entire voice transaction on logging recorders in appropriate digital form and maintain these logs for five years. All records shall be indexed and available to the parties involved at a reasonable cost and at reasonable times set by [a] the One Call System.

(1.2) Perform the obligations, as set forth under this section, on behalf of the facility owner, [contractor] excavator or designer as established by the board of directors of [a] the One Call System.

(1.3) Provide access to municipal lists provided to [a] the One Call System for those interested parties. This list shall contain facility owners having lines in the municipality, including wards as indicated in subclause (ii) of clause (1) of section 2, and to maintain, for each municipality, a list containing the information as required to be submitted by the facility owner. Such list shall be updated as revised information is received from the facility owner within five [working] business days.

(2) To make such lists under clause (1.3) available for public inspection via the county recorder of deeds without charge. A maximum copy fee of no more than twenty-five dollars (\$25) may be charged per county list. Each facility owner change shall be forwarded, at no charge, to the respective county recorder of deeds for public access. The recorder of deeds shall make such list available for public inspection[.] based on the most current information provided to it by the One Call System.

(3) Not more than ten [working] business days after the receipt of a clear and specific request from the department, to provide access to or photocopies of specific One Call System response records, tickets

or other like information relating to matters under investigation by the department pursuant to its enforcement authority under this act.

(4) To determine the maximum geographic area that shall constitute a valid single notification and to determine when multiple notifications shall be required of any person, including the method, the type and the number of notifications in a complex project.

(5) If approved by the board of directors of the One Call System, to offer a service for the application and obtaining of State or municipal permits for excavation work. Issuance of the required permits shall be the responsibility of the appropriate State or municipal agency which has jurisdiction over the type of excavation work being performed.

(6) Pursuant to policies adopted by the One Call System's board of directors, to provide a secure repository for and access to subsurface utility engineering data received from project owners to affected facility owner members.

(7) To inquire, when an excavator has notified the One Call System of the existence of a release of natural gas or other hazardous substance or of potential danger to life, health or property, whether the excavator has notified the 911 system. If the 911 system has not been notified, the One Call System shall notify the excavator of the excavator's responsibility to notify the 911 system and shall make a record of the conversation.

Section 4. The act is amended by adding a section to read:

Section 3.1. (a) The duties of the One Call System are those duties as set forth in section 3. Duties assigned to other parties in other sections of this act shall be the duties of those parties and shall not be imputed to the One Call System, including the duty to provide accurate information to the One Call System concerning proposed excavation and the duty to locate facilities at a site.

(b) The One Call System shall not be liable for damages to the person or the person's property arising out of its nonnegligent actions in furtherance of the duties imposed under this act and shall be liable only if the failure to comply was the proximate cause of any damages claimed.

(c) Prior to any action instituted in a court of this Commonwealth naming or joining the One Call System as a party, the court shall conduct a hearing to determine whether the One Call System may be named or joined in the action for failure to comply with this act.

(d) The One Call System shall be governed by a board of directors, to be chosen by the facility owners. No less than twenty percent of the seats on the board shall be held by municipalities or municipal authorities. The board shall include all of the following:

(1) The Chairman of the Pennsylvania Public Utility Commission or his designee.

(2) The Director of the Pennsylvania Emergency Management Agency or his designee.

(3) The Secretary of Labor and Industry or his designee.

(4) The Secretary of Transportation or his designee.

(5) An excavator or excavation industry representative.

(6) A designer or designer industry representative.

(e) Operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors. Political subdivisions with a population of less than two thousand people or municipal authorities having an aggregate population in the area served by the municipal authority of less than five thousand people shall be exempt from the payment of any service fee. The One Call System may be reimbursed for its costs in providing this service from the contractor fees.

(f) All fees shall be set by the board of directors and shall be based on the latest annual audited cost factors of the One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, if the improvement receives a majority vote of the board of directors.

(g) An excavator, designer or operator who proposes to commence excavation or demolition work and requests information of the One Call System shall be charged a fee for the service received from the One Call System. The fee shall be used to offset the operation cost levied on the political subdivision and municipal authority members in lieu of additional fees charged for locations under this act.

(h) Any request for information shall be reviewed and provided as determined in accordance with the procedure established by the One Call System's board of directors.

Section 5. Section 4 of the act, amended December 19, 1996 (P.L.1460, No.187), is amended to read:

Section 4. It shall be the duty of each designer preparing a drawing [requiring] which requires excavation or demolition work within the Commonwealth:

(2) To request the line and facility information prescribed by section 2, clause (4) from [a] the One Call System not less than ten nor more than ninety [working] business days before final design is to be completed. This clause is not intended to prohibit designers from obtaining such information more than ninety days before final design is to be completed; however, they shall state in their requirements that such work is preliminary.

(2.1) To forward a copy of the project plans to each facility owner who requests a copy. If a designer is unable to provide a copy because of security of the project or proprietary concerns regarding the design or the project, the designer shall negotiate in a timely manner with the facility owner the means of obtaining the necessary data.

(3) To show upon the drawing the position and type of each facility owner's line, derived pursuant to the request made as required by clause (2), and the name of the facility owner[, and the facility owner's designated office address and the telephone number] as shown on the list referred to in section 3.

(4) To make a reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner's facilities in the construction area by maintaining the clearance as provided for in the applicable easement condition or an eighteen-inch clearance of the facility owner's facilities if no easement restriction exists.

(5) A designer shall be deemed to have met the obligations of clause (2) if he calls [a] the One Call System and shows as proof the serial number of one call notice on drawings. The designer shall also show the toll-free number of [a] the One Call System on the drawing near his serial number.

(6) If, after receiving information from the facility owners, the designer decides to change the site of a proposed excavation, the obligations imposed by this section shall apply to the new site.

(7) The designer who has complied with the terms of this act and who was not otherwise negligent shall not be subject to liability or incur any obligation to facility owners, operators, owners or other persons who sustain injury to person or property as a result of the excavation or demolition planning work of the designer.

Section 6. Section 5 of the act, amended November 30, 2004 (P.L.1567, No.199), is amended to read:

Section 5. It shall be the duty of each [contractor] excavator who intends to perform excavation or demolition work within this Commonwealth:

(2.1) To request the location and type of facility owner lines at each site by notifying the facility owner through [a] the One Call System. Notification shall be not less than three nor more than ten [working] business days in advance of beginning excavation or demolition work. No work shall begin earlier than the scheduled excavation date which shall be on or after the third business day after notification. The scheduled excavation date shall exclude the date upon which notification was received by the One Call System and notification received on a Saturday, Sunday or holiday, which shall be processed on the following business day. In the case of a complex project, notification shall not be less than ten business days in advance of the beginning of excavation or demolition work.

(2.2) To provide [a] the One Call System with specific information to identify the site so that facility owners might provide indications of their lines. [A contractor] An excavator shall be deemed to have met the obligations of clause (2.1) if he calls [a] the One Call System, provides the site and other required information and receives a serial number.

(3) [If a contractor] In a complex project or if an excavator intends to perform work at multiple sites or over a large area, he shall take reasonable steps to work with facility owners, including scheduling and conducting a preconstruction meeting, so that they may locate their facilities at a time reasonably in advance of the actual start of excavation or demolition work for each phase of the work. A preconstruction meeting may take place at any time prior to the commencement of excavation or demolition work, and the excavator, facility owners and designer, or their agents, shall attend the meeting. Notice of the meeting shall be given sufficiently in advance so as to permit attendance, either in person or electronically, by the excavator, facility owners and designer, or their agents, and shall include information sufficient to identify the scope of work. If the excavator does not believe that a preconstruction meeting is necessary under the circumstances of this paragraph it shall indicate such belief in its notice, but any facility owner with facilities at the site may request a meeting with the excavator and a meeting shall be held between the facility owner and the excavator. After commencement of excavation or demolition work, the [contractor] excavator shall be responsible for protecting and preserving the staking, marking or other designation until no longer required for proper and safe excavation or demolition work at or near the underground facility, or by [calling for an additional relocation] contacting the One Call System to request that the facilities be marked again in the event that the previous markings have been compromised or eliminated.

(3.1) To comply with the requirements established by the One Call System as determined by the board of directors regarding the maximum area that a notification may cover.

(4) To exercise due care; and to take all reasonable steps necessary to avoid injury to or otherwise interfere with all lines where positions have been provided to the [contractor] excavator by the facility owners pursuant to clause (5) of section 2. Within the tolerance zone [or if insufficient information is available pursuant to clause (5) of section 2, the contractor] the excavator shall employ prudent techniques, which may include hand-dug test holes, to ascertain the precise position of such facilities[.]. If insufficient information to safely excavate is available pursuant to clause (5) of section 2, the excavator shall employ like prudent techniques which shall be paid for by the owner pursuant to clause (15) of this section.

(5) If the facility owner fails to respond to the [contractor's] timely request within the two work days] excavator's timely request as provided under clause (5) of section 2 or the facility owner notifies the [contractor] excavator that the line cannot be marked within the time frame and a mutually agreeable date for marking cannot be arrived at, the [contractor] excavator may proceed with excavation [at the end of three working days] as scheduled, but not earlier than the lawful dig date, provided he exercises due care in his endeavors, subject to the limitations contained in this clause and clauses (2.1) through (4).

(6) To inform each operator employed by the [contractor] excavator at the site of such work of the information obtained by the [contractor] excavator pursuant to clauses (2.1) through (5), and the [contractor] excavator and operator shall:

(i) Plan the excavation or demolition to avoid damage to or minimize interference with a facility owner's facilities in the construction area. Excavation or demolition work which requires temporary or permanent interruption of a facility owner's service shall be coordinated with the affected facility owner in all cases.

(ii) After consulting with a facility owner, provide such support and mechanical protection for known facility owner's lines at the construction site during the excavation or demolition work, including during backfilling operations, as may be reasonably necessary for the protection of such lines.

(7) To report immediately to the facility owner any break or leak on its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work. The One Call System board of directors may adopt procedures to permit reporting under this clause through the One Call System.

(8) [To alert immediately the occupants of premises as to any emergency that such person may create or discover at or near such premises.] To immediately notify 911 and the facility owner, if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid which endangers life, health or property. The excavator shall take reasonable measures, based on its knowledge, training, resources, experience and understanding of the situation to protect themselves and those in immediate danger, the general public, property and the environment until the facility owner or emergency responders have arrived and completed their assessment and shall remain on site to convey any pertinent information to responders that may help them to safely mitigate the situation.

(9) The time requirements of clause (2.1) shall not apply to a facility owner or [contractor] excavator performing excavation or demolition work in an emergency, as defined in section 1; nonetheless, all facility owners shall be notified as soon as possible before, during or after excavation or demolition, depending upon the circumstances.

(11) [A contractor] An excavator shall use the color white to mark a proposed excavation site when exact site information cannot be provided.

(11.1) To assist a facility owner in determining involvement of a facility owner's lines by disclosing additional available information requested by the facility owner, including dimensions and the direction of proposed excavations.

(11.2) If using horizontal directional drilling (HDD), at a minimum, to utilize the best practices published by the HDD Consortium.

(12) The following standards shall be applied in determining whether [a contractor] an excavator shall incur any obligation or be subject to liability as a result of [a contractor's] an excavator's demolition or excavation work damaging a facility owner's facilities:

(i) The [contractor] excavator who has complied with the terms of this act and who was not otherwise negligent shall not be subject to liability or incur any obligation to facility owners, operators, project owners or other persons who sustain injury to person or property as a result of the [contractor's] excavator's excavation or demolition work damaging a facility owner's lines.

(ii) Where [a contractor] an excavator has failed to comply with the terms of this act or was otherwise negligent, and the facility owner or designer has misidentified, mislocated or failed to identify its facilities pursuant to this act, then in computing the amount of reimbursement to which the facility owner is entitled, the cost of repairing or replacing its facilities shall be diminished in the same proportion that the facility owner's or designer's misidentification, mislocation or failure to identify the facilities contributed to the damage. Should the facility owner or designer not have misidentified, mislocated or failed to identify its facilities pursuant to this act, there shall be no diminution of the facility owner's right of recovery.

(13) If, after receiving information from [a] the One Call System or directly from a facility owner, the [contractor] excavator decides to change the location, scope or duration of a proposed excavation, the obligations imposed by this section shall apply to the new location.

(14) If [a contractor] an excavator removes its equipment and vacates a worksite for more than two [working] business days, he shall renotify [a] the One Call System unless other arrangements have been made directly with the facility owners involved in his worksite.

(15) When the information required from the facility owner under clause (5)(i) of section 2 cannot be provided or due to the nature of the information received from the facility owner, it is reasonably necessary for the [contractor] excavator to ascertain the precise location of any line or abandoned or unclaimed lines by prudent techniques, which may include hand-dug test holes, vacuum excavation

or other similar devices, the [contractor] excavator shall promptly notify the project owner or the project owner's representative, either orally or in writing. After giving such notice, the [contractor] excavator shall be entitled to compensation from the project owner for this additional work as provided in the latest edition of the Pennsylvania Department of Transportation Form 408 specifications for extra work performed on a force account basis. The provisions of this subsection shall not be deemed to limit any other rights which the [contractor] excavator has under its contract with the project owner or otherwise. Provisions in any contract, public or private, which attempt to limit the rights of [contractors] excavators under this section shall not be [waived] valid for any reason, and any attempted waiver of this section shall be void and unenforceable as against public policy and any such attempted waiver shall be reported to the [Department of Labor and Industry] department.

(16) To submit an incident report to the department not more than ten [working] business days after striking or otherwise damaging a facility owner's line during excavation or demolition activities that resulted in personal injury or property damage to parties other than the affected [contractor] excavator or facility owner. In addition, the incident report may be furnished to the Pennsylvania Public Utility Commission and the Pennsylvania Emergency Management Agency pursuant to memoranda of understanding negotiated between these agencies and the department.

(17) To comply with all requests for information by the department relating to the department's enforcement authority under this act within thirty days of the receipt of the request.

(18) To, if it chooses to do so and if working for a facility owner, a municipality or a municipal authority, delegate the power to discharge the duties set forth in clauses (2.1) and (2.2) to its project owner, with the project owner's consent. If the power is delegated pursuant to this clause, both the excavator and the project owner shall be responsible for providing the required notices.

(19) To ensure the accuracy of any information provided to the One Call System pursuant to this section.

Section 7. Section 6 of the act, amended December 12, 1986 (P.L.1574, No.172), is amended to read:

Section 6. [This] Except as otherwise provided in this act, this act shall not be deemed to amend or repeal any other law, Commonwealth regulation or any local ordinance enacted pursuant to law concerning the same subject matter, it being the legislative intent that any such other law or local ordinance shall have full force and effect where not inconsistent with this act.

Section 8. The act is amended by adding sections to read:

Section 6.1. It shall be the duty of each project owner who engages in excavation or demolition work to be done within this Commonwealth:

(1) To utilize subsurface utility engineering or other similar techniques, wherever practicable, when designing complex projects having an estimated cost of five hundred thousand dollars (\$500,000) or more.

(2) To timely respond to notifications received from excavators pursuant to clause (15) of section 5.

(3) To not release to bid or construction any project until after final design is completed.

(4) To participate in design and preconstruction meetings either directly or through a representative.

(5) To furnish the pertinent data obtained through subsurface utility engineering to the One Call System in a mutually agreeable format.

(6) For new construction and where practicable in the opinion of the project owner, to install color-coded permanent markers to indicate the type and location of all laterals installed by the project owner.

Section 7. (a) The Auditor General may review management and financial audits of the One Call System, which audits shall be performed by a qualified auditing firm within this Commonwealth. A copy of the audit shall be submitted to the Auditor General upon its completion and to the General Assembly by October 31 of the year

following the end of the audit period. The cost of reasonable expenses incurred by the Auditor General in performing the obligations under this section shall be reimbursed by the One Call System. The fees shall not be inconsistent with those of commercial auditing firms for similar work.

(b) The Auditor General, for the purposes set forth in subsection (a), and any contractor, excavator, facility owner or member of the One Call System shall have the right during regular business hours to inspect and copy any record, book, account, document or any other information relating to the provision of one call services by the One Call System, at the cost determined by the board of directors.

(c) The One Call System shall submit an annual report to its members, and a copy of the report shall be submitted to the Auditor General.

Section 9. Section 7.1 of the act, amended December 19, 1996 (P.L.1460, No.187), is amended to read:

[Section 7.1.

(b) A One Call System shall be governed by a board of directors, to be chosen by the facility owners. No less than twenty percent of the seats on the board shall be held by municipalities or municipal authorities. The board shall include the following:

(1) The Chairman of the Pennsylvania Public Utility Commission or his designee.

(2) The Director of the Pennsylvania Emergency Management Agency or his designee.

(3) The Secretary of Labor and Industry or his designee.

(4) The Secretary of Transportation or his designee.

(5) A contractor or industry representative.

(6) A designer or industry representative.

(b.1) All fees are to be set by the board of directors and shall be based on the latest annual audited cost factors of a One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, provided the improvement receives a majority vote of the board of directors.

(c) The Auditor General, for the purposes set forth in subsection (c.1), and any contractor, facility owner or member of a One Call System shall have the right at any time to inspect and copy any record, book, account, document or any other information relating to the provision of one call services by a One Call System at his own cost.

(c.1) The Auditor General shall conduct a biennial performance and financial audit of a One Call System. A copy of the audit conducted by the Auditor General under this paragraph shall be submitted to the General Assembly no later than one hundred and eighty days following the end of the audit period. The actual cost of reasonable expenses incurred by the Auditor General in performing his obligations under this section shall be reimbursed by a One Call System. Such fees shall not be inconsistent with those of commercial auditing firms for similar work.

(c.2) A One Call System shall submit an annual report to its members, and a copy of the report shall be submitted to the General Assembly.

(g) Any contractor, designer or operator who proposes to commence excavation or demolition work and requests information of a One Call System shall be charged a fee for the service received from a One Call System. Such fee shall be used to offset the operation cost levied on the political subdivision and municipal authority members in lieu of additional fees charged for locations specifically related to this act.]

Section 10. Section 7.2 of the act, amended November 30, 2004 (P.L.1567, No.199), is amended to read:

Section 7.2. (a) Any person violating any of the provisions of this act, except clauses (1) and (2) of section 2, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than two thousand five hundred dollars (\$2,500) nor more than [twenty-five thousand dollars (\$25,000)] fifty thousand dollars

(\$50,000) or undergo imprisonment for not more than ninety days, or both. The Attorney General of the Commonwealth or any district attorney may enforce the provisions of this act in any court of competent jurisdiction. The department, in consultation with the Attorney General, may also enforce the provisions of this act in any court of competent jurisdiction. A facility owner may petition any court of competent jurisdiction to enjoin any excavation or demolition work conducted in violation of this act. Local law enforcement or emergency management personnel may, in the interest of public safety, order excavators on a site to stop further excavation, if the excavation is being conducted in violation of this act.

(b) Fines levied under subsection (a) shall be determined according to the following schedule:

(1) Where violations result in property damage that does not exceed three thousand dollars (\$3,000), the fine shall not exceed [three thousand dollars (\$3,000)] five thousand dollars (\$5,000).

(2) Where violations result in property damage of more than three thousand dollars (\$3,000), the fine shall not exceed [five thousand dollars (\$5,000)] ten thousand dollars (\$10,000).

(3) For violations which result in personal injury or death, the fine shall not exceed [twenty-five thousand dollars (\$25,000)] fifty thousand dollars (\$50,000).

(c) The following factors shall be considered in determining the fine to be assessed:

(1) The degree of the party's compliance with the statute prior to date of the violation.

(2) The amount of personal and property damage caused by the party's noncompliance.

(3) The degree of threat to the public safety and inconvenience caused by the party's noncompliance.

(4) The party's plans and procedures to insure future compliance with statutes and regulations.

(c.1) In addition to any other sanctions provided by this act, the department shall have the authority to issue warnings and orders requiring compliance with this act and may levy administrative penalties for violations of this act. Any warning, order or penalty shall be served on the person or entity violating the act at their last known address. The department shall consider the factors set forth in subsection (c) in determining the administrative penalty to be assessed. Any party aggrieved by the imposition of an order or administrative penalty imposed by the department may appeal such order or penalty as provided in 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to review of Commonwealth agency action).

(c.2) Administrative penalties imposed by the department under subsection (c.1) shall be determined according to the following schedule:

(1) Any person or entity violating the provisions of clauses (1) and (2) of section 2 may be subject to an administrative penalty not to exceed five hundred dollars (\$500) per day. Each day of noncompliance shall constitute a separate violation.

(2) Any person or entity receiving three or more warnings in a calendar year may be subject to an administrative penalty not to exceed five hundred dollars (\$500).

(3) Where violations result in property damage that does not exceed ten thousand dollars (\$10,000), the administrative penalty may not exceed one thousand dollars (\$1,000).

(4) Where violations result in property damage of more than ten thousand dollars (\$10,000), the administrative penalty may not exceed five thousand dollars (\$5,000).

(5) For violations that result in personal injury or death, the administrative penalty may not exceed ten thousand dollars (\$10,000).

(d) All fines and penalties recovered under this section shall be payable to the Attorney General, district attorney or the department, whichever brought the action, and collected in the manner provided for by law. [To the extent that the expenses incurred by the department in enforcing this act exceed the fines collected by the department under this section, the department may assess a charge for the remaining

reasonable expenses from a One Call System pursuant to a written agreement between the parties.] Administrative penalties collected by the department may be expended by the department for costs related to its enforcement activities and to sponsor damage prevention activities of the One Call System.

(e) The provisions of this act shall not affect any civil remedies for personal injury or property damage, except as otherwise specifically provided for in this act.

(f) The secretary or his designee shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in actions before the department, for the purpose of investigating alleged violations of this act. The department shall have the power to subpoena witnesses and compel the production of books, records, papers and documents as it deems necessary or pertinent to an investigation or hearing.

Section 11. Section 7.6 of the act, added December 19, 1996 (P.L.1460, No.187), is amended to read:

[Section 7.6. This act shall not apply to any of the following pipeline systems and facilities:

(1) Oil and gas production or gathering pipeline systems constructed with pipe measuring less than three inches inside diameter which are designed to collect and transport crude oil or natural gas from the wellhead to the point of custody transfer, provided such systems are permanently marked or staked where they cross public highway rights-of-way or the boundary of property which is owned in fee by the owner of the gathering pipeline system.

(2) Any continuous one-mile length of a crude oil or natural gas production or gathering pipeline system constructed with pipe measuring three inches inside diameter or larger which is designed principally to collect and transport crude oil or natural gas from the wellhead to the point of custody transfer where no more than fifty buildings intended for permanent residential occupancy are located within two hundred twenty yards on either side of the center line of the one-mile length of pipeline.]

Section 12. The act is amended by adding sections to read:

Section 7.7. The One Call System shall have the authority to design, establish and administer a voluntary dispute resolution process which may be used by excavators, facility owners, designers, project owners and other involved persons. The process shall provide for dispute resolution panels selected from among a list of representatives of stakeholder groups, including facility owners, excavators, designers and regulators. The process established under this section may not be used to settle or resolve alleged violations of this act nor may involve any issues related to the department's enforcement activities.

Section 7.8. Except as otherwise provided for by this act, a person shall use their best efforts to comply with the Common Ground Alliance Best Practices.

Section 7.9. No person shall intentionally remove or tamper with a marking provided for under this act.

Section 13. Section 7.7 of the act, added December 19, 1996 (P.L.1460, No.187), is amended to read:

Section [7.7] 7.10. This act shall expire on December 31, [2006] 2016.

Section 14. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of the title of the act and to cause certain liquefied petroleum gas facilities or distributors to be subject to this act.

(2) The provisions of section 19 of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, are repealed to the extent that they prohibit certain liquefied petroleum gas facilities or distributors, other than facility owners as defined in section 1 of the act, from being subject to the act.

Section 15. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. Mr. Semmel, would you like to be recognized on the amendment?

Mr. SEMMEL. Thank you, Mr. Speaker.

I would just like to characterize the amendment as technical in nature, as a request of the technical group and advisory group working on the One Call legislation.

Thank you.

The SPEAKER pro tempore. Mr. Vitali, are you seeking recognition?

Mr. VITALI. Yes, Speaker.

Will the maker of the amendment stand for interrogation?

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

Mr. VITALI. Thank you, Mr. Speaker.

My only concern with regard to the amendment, although it is described as technical in nature, it does run 17 pages in length, and there is substantial text in there.

Now, my question is, has this text been reviewed by the committee? Has there been some House signoff on this 17 pages of text?

Mr. SEMMEL. Thank you, Mr. Speaker.

As indicated, they are technical in nature, and they were brought about by the working sessions that have taken place with Fran Cleaver from Senator Tomlinson's office, PEP (Pennsylvania Employment Program), PENNDOT, the PUC (Public Utility Commission), Labor and Industry, the Propane Association, and the administration.

Mr. VITALI. Thank you.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence during the vote and asks that the gentleman, Mr. Dermody, be placed back on the master roll.

CONSIDERATION OF HB 2223 CONTINUED

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rublej
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay

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

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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

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

The question is, shall the bill pass finally?

Mr. Causer, you were seeking recognition on this bill?
Mr. CAUSER. I would like to speak on the bill, Mr. Speaker.
The SPEAKER pro tempore. The gentleman is in order and may begin.

Mr. CAUSER. Mr. Speaker, I support this legislation. However, there is one thing that is missing from the legislation, and I had filed an amendment to deal with that particular issue. The amendment is now out of order, but I do want to explain

what is missing from the legislation, and we have a commitment from the prime sponsor and also from our colleagues in the Senate to make sure that that is added back into the legislation before it is done.

Under current law, there is a limited exception for production and gathering pipeline systems that collect crude oil or natural gas from wells, and this is something that is currently in the law, and that was placed in the law when this was dealt with back in 1996. Now, this is something that is very important for family-owned businesses and part-time oil and gas producers who depend on this exemption to be in the law.

As I said, this is something that is in the law now. It is something that absolutely has to stay in the legislation, and my amendment would have dealt with that, but as I said, we have a commitment to make sure that that makes it into the final legislation. I wanted to explain what my amendment would have done, and I support the legislation at this point.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siproth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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 2202, PN 3070**, entitled:

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."

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

Mr. **GEORGE** offered the following amendment No. **A05091**:

Amend Title, page 1, line 3, by inserting after "Commonwealth," "

further providing for determination of the medically needy; and

Amend Bill, page 1, lines 8 through 10, by striking out all of said lines and inserting

Section 1. Section 442.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, amended May 16, 1996 (P.L.175, No.35), is amended to read:

Section 442.1. The Medically Needy; Determination of Eligibility.—(a) A person shall be considered medically needy if that person meets the requirements of clauses (1), (2) and (3):

(1) Resides in Pennsylvania continuously for ninety days immediately preceding the effective date of eligibility, except for persons eligible for federally funded categories of medical assistance or where the individual suffers from a terminal illness and a ninety-day delay in treatment may be life threatening.

(2) Meets the standards of financial and nonfinancial eligibility established by the department with the approval of the Governor. In establishing these standards the department shall take into account:

(i) the funds certified by the Budget Secretary as available for medical assistance for the medically needy;

(ii) pertinent Federal legislation and regulations; and

(iii) the cost of living.
(3) Complies with either subclause (i) or (ii):
(i) Receives general assistance in the form of cash.
(ii) Is not eligible for cash assistance but is:
(A) a child under twenty-one years of age;
(B) a custodial parent of a dependent child under twenty-one years of age;
(C) a person fifty-nine years of age or older;
(D) a refugee for whom Federal financial participation is available;
(E) a pregnant woman;
(F) a person with a disability who is receiving Social Security disability benefits, who has been referred to the Social Security Administration for a determination of eligibility for Supplemental Security Income or who is under review for a disability by the department based upon Social Security disability criteria; or
(G) a person who verifies employment of at least one hundred hours per month earning at least the minimum wage.

(c) Medical assistance benefits can be authorized retroactively for an eligible person who requests coverage for an unpaid medical expense which was incurred during a period up to three months prior to the month of application. In determining eligibility, all income received or expected to be received in a six-month period shall be counted even if the person requests medical assistance coverage for less than six months. If retroactive medical assistance coverage is requested, the six-month period can combine both retroactive and prospective periods. Medical assistance coverage can continue as long as the need exists, but no longer than the six-month period from which income is counted.

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

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

3

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment makes a simple change to the Welfare Code. It provides an exclusion from the 90-day residency requirement for individuals suffering from a terminal illness when a 90-day delay in treatment might be life-threatening. There is no reason the bureaucratic paperwork should ever stand in the way of patients with terminal illnesses from getting the medical care they absolutely need.

This amendment literally deals with the matters of life and death, not Republican or Democrat, and I know you will all want to support this.

Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair is going to go over HB 2202 temporarily. We will return to it at a later time.

* * *

The House proceeded to third consideration of **SB 1034, PN 1398**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza Lederer Shaner Yewcic
Keller, W. Rieger

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

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

* * *

The House proceeded to third consideration of **HB 1311, PN 1559**, entitled:

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

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

Mr. McNAUGHTON offered the following amendment No. **A05029**:

Amend Title, page 1, line 11, by removing the period after “penalties” and inserting
and for effect on local ordinances.

Amend Sec. 1, page 1, line 17, by striking out “and” and inserting a comma

Amend Sec. 1, page 1, line 18, by inserting after “clauses”
and the section is amended by adding a subsection

Amend Sec. 1 (Sec. 13), page 3, by inserting between lines 16 and 17

(q) The following apply:

(1) It is an affirmative defense for a retailer to an offense under subsection (a)(39) and (40) that, prior to the date of the alleged violation, the retailer has complied with all of the following:

(i) Adopted and implemented a written policy against selling in any single over-the-counter retail sale of more than three packages or any number of packages that contain a combined total of more than nine grams of any product containing ephedrine, pseudoephedrine, phenylpropanolamine or any of their salts, optical isomers as the sole active ingredient.

(ii) Adopted and implemented a disciplinary policy which includes employe counseling and possible suspension and penalties up to and including dismissal for failure to limit the delivery, in any single over-the-counter retail sale of products containing pseudoephedrine, ephedrine or phenylpropanolamine as their sole active ingredient to no more than nine grams or three packages.

(iii) Informed all employes selling products containing pseudoephedrine, ephedrine or phenylpropanolamine as their sole active ingredient through an established training program of the applicable Federal and State laws regarding limiting the sale of such products.

(iv) Documented employe training indicating that all employes selling products containing pseudoephedrine, ephedrine and phenylpropanolamine as their sole active ingredient have been informed of and understand the written policy referred to in subclause (i).

(v) Trained all employes selling products containing pseudoephedrine, ephedrine or phenylpropanolamine as their sole active ingredient to limit the number of packages to three or to no more

than nine grams of products containing pseudoephedrine, ephedrine or phenylpropanolamine as their sole active ingredient in any single over-the-counter retail sale.

(vi) Conspicuously posted a notice that selling more than three packages or nine grams of products containing pseudoephedrine, ephedrine or phenylpropanolamine as their sole active ingredient in any single over-the-counter retail sale is against the law and that a violator is subject to penalties.

(vii) Established and implemented disciplinary sanctions for noncompliance with the policy under subclause (i).

(2) An affirmative defense under this subsection must be proved by a preponderance of the evidence.

(3) An affirmative defense under this subsection may be used by a retailer no more than three times at each retail location during any twenty-four month period.

Section 2. Section 41.1 of the act, added December 4, 1980 (P.L.1043, No.186), is amended to read:

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

(b) The provisions of section 13(a)(39) and (40), (c) and (q) shall preempt any inconsistent local ordinance, including zoning and nuisance ordinances, relating to the sale, disbursement or distribution of ephedrine, pseudoephedrine or phenylpropanolamine.

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

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causar	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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

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

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.

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

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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 SPEAKER (JOHN M. PERZEL)
PRESIDING**

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 163, PN 3311**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

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

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

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, HB 163 has been a piece of legislation that many of us have worked on for several sessions.

As you all are aware, many of our senior citizens are out there and they are still working, and unfortunately, under current Pennsylvania law, when they were laid off and tried to collect unemployment benefits, 50 percent of their Social Security that they were receiving or their railroad retirement pension that they were receiving would be then subtracted from their unemployment benefits, and in many cases that would leave our senior citizens without any benefits at all.

As a result of the hard work of our Labor Relations chairmen, Bob Allen and Mr. Belfanti, and the members of the Labor Committee, we passed this legislation several times. However, with the help of Senator Scarnati in the Senate, this bill has come back to us with very little changes.

I want to thank my colleague, Representative Yudichak, for all the hard work that he has put into this, and I hope everyone here will support this. And from what I understand, the Governor is also in support of this, and hopefully in the next 10 days the Governor will sign this bill and our senior citizens will no longer be discriminated against when it comes to collecting unemployment benefits.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I rise to encourage my colleagues to concur in HB 163. I want to applaud the gentleman from Delaware County, Chairman Bill Adolph, who has done an outstanding job in moving this piece of legislation through the legislative process over these many years. It has been a long road, but this is a piece of legislation that will benefit seniors, older Pennsylvanians that have gone back into the workplace and have been unfairly discriminated against when they went to receive unemployment compensation. They will now receive, because of this law, they will receive the full benefit that they are entitled to and they have earned.

So again, I urge my colleagues to concur in the great work by the Labor Committee, Labor Relations Committee, and AARP, who had also joined with Representative Adolph and I in moving this bill forward.

Again, Mr. Speaker, please concur in HB 163. Thank you.

The SPEAKER. The gentleman, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I, too, would like to commend Chairman Adolph for his hard work on this very important piece of legislation. This is something that is important to so many of our seniors in Pennsylvania. Many of them do work beyond 65. Many of them are forced to work because they do not have the income to sustain themselves. But the most unfair thing that ever happens, when a person is out their working, working in a full-time job, they get laid off, and then they find out they cannot collect unemployment because they take their Social Security into consideration. I know this has been an issue in my district for a long time, because I have many seniors who are out there working full and part time and collecting Social Security.

I think this is fair. It is like most other States. This gives our seniors a chance just to be treated equally. They worked,

they worked hard, they paid in, their employers paid in, so why deprive them of unemployment compensation which they truly deserve and earned? Through no fault of their own, many of them lost their job because a plant shut down or a business went out.

So, Mr. Speaker, congratulations for a job well done. I encourage Governor Rendell to put his name on, his signature, before Christmas, because many people throughout the Commonwealth of Pennsylvania need this benefit, and it would be a great New Years' gift for them.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—196

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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. Argall, who moves for a Capitol leave for the gentleman, Mr. ROSS. Without objection, that Capitol leave will be granted.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1686, PN 3174**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of paintball guns and paintball markers, criminal mischief and sale and use of air rifles.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Stairs, 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—196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay

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

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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.

STATEMENT BY MR. STAIRS

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

Mr. STAIRS. To comment on the bill that we have passed, but just to say very quickly that Bob Belfanti, I want to thank him for his help. It shows you we have a lot of bipartisanship in this chamber still today. So I want to thank Bob and thank the members for supporting an important bill for the Commonwealth of Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1327, PN 1575**, entitled:

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

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-196

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

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

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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 618, PN 1359**, entitled:

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

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

Mr. **GEORGE** offered the following amendment No. **A05079**:

Amend Sec. 2, page 6, line 21, by striking out all of said line and inserting

(a) Assumption of risk.—

(1) As to those within the scope of

Amend Sec. 2, page 6, by inserting between lines 25 and 26

(2) Immunity shall not be barred in the event that the injured party is an employee of the individual, group, club or business entity in question.

(3) For purposes of this subsection, the term "employee" shall be consistent with the definition of "employee" in section 3 of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

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

AMENDMENT WITHDRAWN

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

Mr. **GEORGE**. Mr. Speaker—

The **SPEAKER**. Mr. George, you are recognized.

Mr. **GEORGE**. We found a technical error in the amendment, so I am withdrawing it so that the bill can run clean. Thank you.

The **SPEAKER**. The gentleman, Mr. George, withdraws the amendment.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-195

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

NAYS-1

Freeman

NOT VOTING-1

Habay

EXCUSED-6

Gruitza Lederer Shaner Yewcic
 Keller, W. Rieger

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

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

* * *

The House proceeded to third consideration of **HB 2317, PN 3294**, entitled:

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.

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

Mr. **FEESE** offered the following amendment No. **A05166**:

- Amend Sec. 3, page 6, by inserting between lines 20 and 21
 - (B) Renovation of the marina 1,000,000
 - (C) Marina replacement, including construction and other related costs 1,000,000
- Amend Sec. 3, page 6, by inserting between lines 24 and 25
 - (x) Washington Crossing Park
 - (A) Streambank restoration, reconstruction of a bridge and other capital improvements 4,000,000
 - (xi) Milton State Park
 - (A) Capital improvements 1,000,000
- Amend Sec. 3, page 13, by inserting between lines 20 and 21
 - (xxiv) State Library
 - (A) Construction of the rare book facility in the State Library 10,000,000
- Amend Sec. 3, page 16, by inserting between lines 26 and 27
 - (ii) Adam Bower Dam
 - (A) Rehabilitation of dam 8,000,000
 - (iii) Shikellamy State Park
 - (A) Construction of a fish passageway 12,600,000
- Amend Sec. 3, page 21, by inserting between lines 5 and 6
 - (iv) US Route 219 Welcome Center
 - (A) Construction of welcome center 8,000,000

- (16) Philadelphia Regional Port Authority
 - (A) Marginalize berth and construction of 750,000 square feet of warehouse space for forest products 80,000,000
 - (B) Development of former Publicker site for a 75-acre terminal and berth expansion 80,000,000
 - (C) Acquisition of land and construction of a warehouse for forest products 12,000,000
 - (D) Construction of additional facilities for cocoa bean storage and related costs 14,000,000
 - (E) Expansion of the Port facilities to include Piers 122, 124 and east end of Navy Yard, including construction and other related costs 240,000,000
 - (F) Construction of an 80,000 square foot warehouse, including related costs 100,000,000
 - (G) Construction of rail spur for Port activities 3,000,000
 - (H) Capital improvement to Tioga Marine Terminal Frame supported building 1,500,000
- Amend Sec. 4, page 24, line 1, by striking out "MOORE" and inserting
 - More
- Amend Sec. 5, page 26, by inserting between lines 4 and 5
 - (2.1) AMTRAN
- Amend Sec. 5, page 26, line 5, by striking out "(II)" and inserting
 - (i)
- Amend Sec. 5, page 26, line 6, by striking out "(III)" and inserting
 - (ii)
- Amend Sec. 6, page 44, by inserting between lines 9 and 10
 - (xvii) Hampton Township
 - (A) Redevelopment and restoration of a historic facility 500,000
- Amend Sec. 6, page 44, lines 18 through 20, by striking out all of said lines and inserting
 - (A) Construction of township building, including acquisition and environmental remediation of land 1,000,000
- Amend Sec. 6, page 44, by inserting between lines 24 and 25
 - (v) Ford City
 - (A) Renovation of the downtown area of Ford City, including construction and related infrastructure 550,000
- Amend Sec. 6, page 49, by inserting between lines 28 and 29
 - (v) Hamburg Borough
 - (A) Construction of the Reading Company Heritage Museum,

including environmental remediation	1,200,000	(v) Ridley Township	
(B) Downtown Streetscape improvements	500,000	(A) Capital improvements to township facilities related to technology upgrades	500,000
Amend Sec. 6, page 50, line 6, by striking out "VETERAN'S" and inserting		Amend Sec. 6, page 62, line 17, by striking out all of said line and inserting	
Veterans'		(28) Franklin County	
Amend Sec. 6, page 50, by inserting between lines 7 and 8		(i) County projects	
(D) Redevelopment of facilities damaged by flooding, including infrastructure	1,000,000	(A) Construction of a museum honoring Pennsylvania's forest fire heritage, including acquisition and related infrastructure	5,000,000
Amend Sec. 6, page 51, by inserting between lines 5 and 6		(ii) Antrim Township	
(G) Acquisition of property in conjunction with the new courthouse, including site improvements and construction	500,000	(A) Construction of a municipal government facility which will encompass township services	3,000,000
(H) Restoration of the King Library	500,000	(B) Construction of infrastructure related to South Antrim Business Center, including a roadway and water and sewer infrastructure	2,600,000
Amend Sec. 6, page 51, line 17, by striking out "THIS" and inserting		(iii) Chambersburg Borough	
. This		(A) Renovation and construction of the Chambersburg Hospital Bed Tower. This authorization includes necessary costs related to acquisition and infrastructure.	32,000,000
Amend Sec. 6, page 52, by inserting between lines 9 and 10		(iv) Waynesboro Borough	
(x) Doylestown Borough		(A) Construction of a freestanding outpatient services center for laboratory, radiography, preadmission testing, mammography and administrative services. This authorization includes necessary costs related to acquisition and infrastructure.	12,350,000
(A) Acquisition of property in conjunction with the new courthouse, including site improvements and construction	500,000	Amend Sec. 6, page 65, line 14, by inserting after "PREPARATION"	
(xi) Bensalem Township		and	
(A) Construction of soccer and recreational amenities	850,000	Amend Sec. 6, page 66, by inserting between lines 18 and 19	
(B) Acquisition of additional acreage to add to the Central Park campus	600,000	(C) Expansion of the Philhaven facilities for autism	5,000,000
(C) Construction of an Emergency Services Training Center	1,250,000	Amend Sec. 6, page 74, line 4, by striking out all of said line	
(xii) Lower Southampton Township		Amend Sec. 6, page 75, by inserting after line 30	
(A) Expansion of the St. Mary's Hospital, including construction	5,000,000	(C) Construction and other related costs to expand the Holy Redeemer Hospital emergency room	3,500,000
Amend Sec. 6, page 55, by inserting between lines 6 and 7		Amend Sec. 6, page 76, lines 2 through 4, by striking out all of said lines	
(vii) Rush Township			
(A) Expansion of the Philipsburg Hospital for adult assisted living, including construction, renovation and abatement of hazardous materials	2,550,000		
Amend Sec. 6, page 61, by inserting between lines 5 and 6			
(iv) Concord Township			
(A) Expansion of the Rachel Kohl Community Library	500,000		
(B) Construction of a new field house for the Brandywine Youth Club	500,000		

Amend Sec. 6, page 76, line 5, by striking out “(B)” and inserting (A)

Amend Sec. 6, page 76, line 8, by striking out “(C)” and inserting (B)

Amend Sec. 6, page 78, by inserting between lines 18 and 19
 (B) Construction of the Slate Belt Council of Governments police complex 1,500,000

(C) Construction of the Colonial Regional police complex 3,000,000

Amend Sec. 6, page 80, by inserting between lines 2 and 3
 (vi) City of Sunbury
 (A) Redevelopment of the riverfront, including construction and other related costs 10,000,000

Amend Sec. 6, page 90, line 29, by striking out “THIS” and inserting
 . This

Amend Sec. 6, page 91, by inserting between lines 7 and 8
 (vi) Hanover Borough and Penn Township
 (A) Construction of a 1.5 mile portion of the York Hanover Trolley line as a recreational pathway, including related costs 500,000

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rublely
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Bianucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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. D. EVANS offered the following amendment No. A05169:

Amend Sec. 3, page 6, by inserting between lines 24 and 25
 (x) Erie County
 (A) Construction, infrastructure and other related costs for the development of the Warner Theater 15,000,000

Amend Sec. 6, page 56, by inserting between lines 19 and 20
 (B) Construction, infrastructure and other related costs to improve the Curwensville Business Area 500,000

Amend Sec. 6, page 62, by inserting between lines 3 and 4
 (D) Construction, infrastructure and other related costs for the development of the Warner Theater 15,000,000

Amend Sec. 6, page 85, by inserting between lines 8 and 9
 (G) Acquisition, construction, infrastructure and other related costs for the Lancaster Avenue Corridor Revitalization Project Phase 5 500,000

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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

Mr. WILLIAMS offered the following amendment No. **A05210**:

Amend Sec. 3, page 13, by inserting between lines 20 and 21 (xxiv) Temple University

- (A) Restoration of the Historic Baptist Temple. This project shall be construed as a supplement to the project authorized in section 3(5)(vi)(N) of the act of October 30, 2002 (P.L.891, No.131), known as the Capital Budget Project Itemization Act of 2001-2002, in the amount of \$22,045,000 and also as a supplement to the project authorized in section 3(5)(vii)(K) of the act of June 22, 2004 (P.L.257, No.40), known as the Capital Budget Project Itemization Act of 2003-2004 in the amount of \$2,011,000 5,000,000
- (B) Renovation of research facilities, Barton Hall. This project shall be construed as a supplement to the project authorized in section 3(5)(vi)(M) of the act of October 30, 2002 (P.L.891, No.131), known as the Capital Budget Project Itemization Act of 2001-2002, in the amount of \$10,160,000 and also as a supplement to the project authorized in section 4(3)(iv)(A) of the act of June 22, 2000 (P.L.136, No.27), known as the Capital Budget Debt Authorization Project Itemization Act of 2000-2001 in the amount of \$6,800,000 25,000,000
- (C) Addition to Presser Hall for School of Music. This project shall be construed as a supplement to the project authorized in section 3(5)(vii)(H) of the act of June 22,

2004 (P.L.257, No.40),
 known as the Capital
 Budget Project
 Itemization Act of
 2003-2004, in the
 amount of \$5,688,000 6,000,000
 (D) Research, laboratory and
 office building on
 Main Campus 50,000,000

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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?

RULES SUSPENDED

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

Mr. MAHER. Mr. Speaker, I move for an immediate suspension of the rules to vote amendment 5267.

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causar	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright

DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Leh	Roebuck	Zug
Eachus	Lescovitz	Rohrer	
Ellis	Levdansky	Rooney	
Evans, D.	Mackereth	Ross	Perzel,
Evans, J.	Maher		Speaker

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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. MAHER offered the following amendment No. A05267:

- Amend Sec. 5, page 35, by inserting between lines 19 and 20
- (15) Allegheny & Eastern Railroad
 - (i) Rehabilitation of main line from St. Marys to Erie in Warren, Elk and Erie Counties (MP 131 to MP 3 including Johnsonburg Yard, Warren Yard and all sidings), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and communication and any other related work 4,950,000
 - (Base Project Allocation - \$4,500,000)
 - (Design and Contingencies - \$450,000)
 - (ii) Rehabilitation and the construction of new sidings to serve new and existing customers from St. Marys to Erie in Elk, Warren and Erie Counties (MP 3 to MP 131 including all yards, sidings and subdivisions), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and communication and any other related work 1,650,000
 - (Base Project Allocation - \$1,500,000)
 - (Design and Contingencies - \$150,000)
 - (16) Aliquippa & Ohio River Railroad
 - (i) Rehabilitation of main line in Beaver County including ties,

- rail, surface, bridges, switches, road crossings and signal and communication, grading, drainage and other associated improvements 1,100,000
 - (Base Project Allocation - \$1,000,000)
 - (Design and Contingencies - \$100,000)
- (ii) Rehabilitation and the construction of new sidings to serve new and existing customers in Beaver County, including ties, rail, surface, switches, road crossings and signal and communication, grading, drainage and other associated work 1,100,000
 - (Base Project Allocation - \$1,000,000)
 - (Design and Contingencies - \$100,000)
- (17) Allegheny Valley Railroad
 - (i) Allegheny Subdivision rail infrastructure rehabilitation, including track, roadbed, bridges and grade crossings from MP 0 to MP 20 in Allegheny and Westmoreland Counties 2,530,000
 - (Base Project Allocation - \$2,300,000)
 - (Design and Contingencies - \$230,000)
 - (ii) P&W Subdivision rail infrastructure rehabilitation, including track, roadbed, bridges and grade crossings from MP 1 to MP 17 and from MP 322 to MP 326 in Allegheny County 1,980,000
 - (Base Project Allocation - \$1,800,000)
 - (Design and Contingencies - \$180,000)
 - (iii) W&P Subdivision rail infrastructure rehabilitation, including track, roadbed, bridges and grade crossings from MP 5 to MP 39 in Allegheny and Washington Counties 1,320,000
 - (Base Project Allocation - \$1,200,000)
 - (Design and Contingencies - \$120,000)
 - (iv) Development of new yard track and intermodal transfer structures within New Kensington complex from MP 17 to MP 19.4 in Westmoreland County to support rail-truck and rail-barge transfer market development 4,620,000
 - (Base Project Allocation - \$4,200,000)
 - (Design and Contingencies - \$420,000)

<p>(18) Buffalo & Pittsburgh Railroad</p> <p>(i) Rehabilitation of main line from Brockway to New Castle in Jefferson, Allegheny, Indiana, Armstrong, Lawrence, Beaver, Clearfield and Butler Counties (MP 193 to MP 303.5, including Dubois Yard, Riker Yard, Butler Yard, Northern Subdivision, Indiana Branch and all sidings), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and communication and any other related work</p> <p style="text-align: right;">10,450,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$9,500,000) (Design and Contingencies - \$950,000)</p> <p>(ii) Rehabilitation of main line from Brockway to State Line, NY, in Jefferson, Elk and McKean Counties (MP 193 to MP 116, including Johnsonburg Yard, Bradford Yard, subdivisions and all sidings), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and communication and any other related work</p> <p style="text-align: right;">4,950,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$4,500,000) (Design and Contingencies - \$450,000)</p> <p>(iii) Rehabilitation and the construction of new sidings to serve new and existing customers from New Castle to State Line, NY, in Jefferson, Elk, McKean, Butler, Lawrence, Armstrong, Allegheny, Cameron, Warren, Erie and Clearfield Counties (MP 52 to MP 10 and MP 303 to MP 116, including all yards, sidings and subdivisions), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and communication and any other related work</p> <p style="text-align: right;">3,850,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$3,500,000) (Design and Contingencies - \$350,000)</p> <p>(19) Central Columbia & Pennsylvania Railroad</p> <p>(i) Rehabilitation of main line from Pennsylvania/Ohio state line to Darlington in Beaver County, including ties, rails, surface, bridges, switches, road crossings and signal and communication, grading,</p>	<p>drainage and other associated improvements</p> <p style="text-align: right;">1,100,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$1,000,000) (Design and Contingencies - \$100,000)</p> <p>(ii) Rehabilitation and the construction of new sidings to serve new and existing customers in Beaver County, including ties, rail, surface, switches, road crossings and signal and communication, grading, drainage and other associated work</p> <p style="text-align: right;">1,100,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$1,000,000) (Design and Contingencies - \$100,000)</p> <p>(20) Delaware & Hudson Railway</p> <p>(i) Rehabilitation and construction of rail infrastructure from state line to Taylor in Susquehanna, Wyoming and Lackawanna Counties, including ties, rail, surface, bridges, switches, road crossings and signal and communication, grading, drainage and other associated improvements</p> <p style="text-align: right;">7,700,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$7,000,000) (Design and Contingencies - \$700,000)</p> <p>(ii) Rehabilitation and the construction of sidings to serve new and existing customers in Susquehanna, Wyoming and Lackawanna Counties, including ties, rail, surface, switches, road crossings and signal and communication, grading, drainage and other associated work</p> <p style="text-align: right;">1,100,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$1,000,000) (Design and Contingencies - \$100,000)</p> <p>(iii) Rehabilitation and construction of rail infrastructure from Taylor to Sunbury in Lackawanna, Luzerne, Columbia, Montour and Northumberland Counties, including ties, rail, surface, bridges, switches, road crossings and signal and communication, grading, drainage and other associated improvements</p> <p style="text-align: right;">7,700,000</p> <p style="padding-left: 20px;">(Base Project Allocation - \$7,000,000) (Design and Contingencies - \$700,000)</p> <p>(iv) Rehabilitation and the construction of sidings to serve new and existing customers in Lackawanna, Luzerne,</p>
---	--

<p>Columbia, Montour and Northumberland Counties, including ties, rail, surface, switches, road crossings and signal and communication, grading, drainage and other associated work (Base Project Allocation - \$1,000,000) (Design and Contingencies - \$100,000)</p>	1,100,000	<p>crossings and signal and communication, grading, drainage and other associated improvements (Base Project Allocation - \$4,500,000) (Design and Contingencies - \$450,000)</p>	4,950,000
<p>(v) Rehabilitation and the construction of sidings to serve new and existing customers in Philadelphia, including ties, rail, surface, switches, road crossings and signal and communication, grading, drainage and other associated work (Base Project Allocation - \$1,000,000) (Design and Contingencies - \$100,000)</p>	1,100,000	<p>(ii) Rehabilitation of main line from Bridgeville to Arden in Allegheny and Washington Counties, including ties, rail, surface, bridges, switches, road crossings and signal and communication, grading, drainage and other associated improvements (Base Project Allocation - \$3,000,000) (Design and Contingencies - \$300,000)</p>	3,300,000
<p>(21) Freeport Terminals (i) Construction of 1.5-mile railroad siding at Freeport Terminals to access Norfolk Southern and Pittsburg Shawmut Railroads, including switches, crossing rehabilitation and construction/reconstruction of underpass structure, including new retaining walls and reconstruction of slip to accommodate intermodal traffic (Base Project Allocation - \$5,225,000) (Design and Contingencies - \$523,000)</p>	5,748,000	<p>(iii) Rehabilitation and the construction of new sidings to serve new and existing customers in Allegheny and Washington Counties, including ties, rail, surface, switches, road crossings and signal and communication, grading, drainage and other associated work (Base Project Allocation - \$1,000,000) (Design and Contingencies - \$100,000)</p>	1,100,000
<p>(22) Middletown & Hummelstown Railroad (i) Rehabilitation of interchange with Norfolk Southern and Amtrak, including switches, signals and rail infrastructure (Base Project Allocation - \$800,000) (Design and Contingencies - \$80,000)</p>	880,000	<p>(25) Pittsburg & Shawmut Railroad (i) Rehabilitation of main line from Freeport to Brookville and Sligo to Driftwood in Cameron, Elk, Clearfield, Jefferson, Clarion and Armstrong Counties (MP 3 to MP 110 and MP 18 to MP 88, including Dubois Yard, Brookville Yard, Kittanning Yard and all sidings), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and communication and any other related work (Base Project Allocation - \$4,500,000) (Design and Contingencies - \$450,000)</p>	4,950,000
<p>(23) Moran Industries (i) Rehabilitation and rebuilding of railroad crossing serving F. P. Leopold and Moran Industries as well as connecting spur lines off of Buffalo Line of Norfolk Southern (Base Project Allocation - \$1,250,000) (Design and Contingencies - \$125,000)</p>	1,375,000	<p>(ii) Rehabilitation and construction of new sidings to serve new and existing customers from Freeport to Driftwood to Sligo in Jefferson, Elk, Cameron and Armstrong Counties (MP 88 to MP 110, including all yards, sidings and subdivisions), including ties, rail, surface, bridge, switches, ditching, undercutting, brush cutting, road crossings and signal and</p>	
<p>(24) Pittsburgh & Ohio Central Railroad (i) Rehabilitation of main line from Neville Island to Bridgeville in Allegheny County, including ties, rail, surface, bridges, switches, road</p>			

communication and any other related work	2,750,000
(Base Project Allocation - \$2,500,000)	
(Design and Contingencies - \$250,000)	
(26) River Hill Coal	
(i) Rehabilitation and expansion of track infrastructure for new Thompsontown tipple, including drainage, water control enclosures and other rail infrastructure related to the interchange and loading of rail cars	3,520,000
(Base Project Allocation - \$3,200,000)	
(Design and Contingencies - \$320,000)	
(ii) Construction and rehabilitation of railroad spur at River Hill Tipple, including switches and other related rail infrastructure	880,000
(Base Project Allocation - \$800,000)	
(Design and Contingencies - \$80,000)	
(iii) Construction and rehabilitation of Bowman Siding off R. J. Corman Railroad, including switches and other related rail infrastructure	1,650,000
(Base Project Allocation - \$1,500,000)	
(Design and Contingencies - \$150,000)	
(27) Westmoreland County Industrial Development Corporation	
(i) Radebaugh Subdivision head worn and curve worn rail replacement from MP 0 to MP 23.8 in Westmoreland and Fayette Counties	1,100,000
(Base Project Allocation - \$1,000,000)	
(Design and Contingencies - \$100,000)	
(28) Wheeling & Lake Erie Railway	
(i) Construction of 3,000-foot-plus passing track and three switches at Bruceton to provide interchange capability with Allegheny Valley Railroad	556,000
(Base Project Allocation - \$505,000)	
(Design and Contingencies - \$51,000)	
(ii) Rehabilitation of rail infrastructure, including replacement of rail ties and upgrade of several crossings located in approximately 40 miles of Rook Subdivision of Wheeling & Lake Erie Railroad	990,000
(Base Project Allocation - \$900,000)	

(Design and Contingencies - \$90,000)	
(iii) Rehabilitation of track infrastructure of the Mifflin Branch of Wheeling & Lake Erie Railroad, including replacement of ties, rail, ballast and other related materials	528,000
(Base Project Allocation - \$480,000)	
(Design and Contingencies - \$48,000)	
(29) Green Holdings	
(i) Construction of rail siding at proposed Green Holding, LLC ethanol facility in Porter Township, Schuylkill County, and construction of rail spur from siding to existing Reading, Blue Mountain and Northern main line for transfer and unloading of corn and other commodities	4,950,000
(Base Project Allocation - \$4,500,000)	
(Design and Contingencies - \$450,000)	

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rubleby
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siproth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters

Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnarowski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Leh	Roebuck	Zug
Eachus	Lescovitz	Rohrer	
Ellis	Levdansky	Rooney	
Evans, D.	Mackereth	Ross	Perzel,
Evans, J.	Maher		Speaker

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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?

RULES SUSPENDED

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

Mr. FEESE. Mr. Speaker, I move for an immediate suspension of the rules for amendment 5294.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler

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

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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. FEESE offered the following amendment No. **A05294**:

Amend Sec. 6, page 84, by inserting between lines 23 and 24

(RR) Construction	of	
facilities	at	
Philadelphia		
University.	This	
authorization	includes	
necessary funds	for	
expansion and other		
related costs.		5,000,000
(SS) Construction of Sacred		
Heart Hospital		
facilities.	This	
authorization	includes	
necessary funds	for	
expansion and other		
related costs.		2,500,000

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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?

RULES SUSPENDED

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

Mr. W. KELLER. Mr. Speaker, I move for an immediate suspension of the rules for amendment No. 5286.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza Lederer Shaner Yewcic
Keller, W. Rieger

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. W. KELLER offered the following amendment No. A05286:

Amend Sec. 3, page 21, by inserting between lines 5 and 6
(16) Philadelphia County
(i) Aker Philadelphia Shipyard
(A) Reinforcement of outside crane area, inside crane capacity and enhancement to grand block building 2,000,000

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

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

Mr. VITALI. Thank you, Mr. Speaker.
That particular amendment is not on the screen. I am wondering if we could have a brief explanation.

The SPEAKER. For the information of the members, the Keller amendment is for the Aker Philadelphia Shipyard, for reinforcement of outside crane area, inside crane capacity, and enhancement of the grand block building – \$2 million.

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

The following roll call was recorded:

YEAS-195

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siproth
Beyer	George	Melio	Smith, B.
Bianucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback

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

NAYS-0

NOT VOTING-2

Habay Leh

EXCUSED-6

Gruitza Lederer Shaner Yewcic
Keller, W. Rieger

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

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

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

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

The following roll call was recorded:

YEAS-187

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	Frankel	McGeehan	Saylor
Bastian	Freeman	McGill	Scavello
Bebko-Jones	Gabig	McIlhattan	Schroder
Belardi	Gannon	McIlhinney	Semmel
Belfanti	Geist	McNaughton	Shapiro
Benninghoff	George	Melio	Siptroth
Beyer	Gerber	Micozzie	Smith, B.
Biancucci	Gergely	Millard	Smith, S. H.
Birmelin	Gillespie	Miller, R.	Solobay
Bishop	Gingrich	Miller, S.	Sonney
Blackwell	Godshall	Mundy	Staback
Blaum	Good	Mustio	Stairs
Boyd	Goodman	Myers	Steil
Bunt	Grell	Nailor	Stern
Butkovitz	Grucela	Nickol	Stetler
Buxton	Haluska	O'Brien	Stevenson, T.
Caltagirone	Hanna	Oliver	Sturla
Cappelli	Harhai	O'Neill	Surra
Casorio	Harhart	Pallone	Tangretti
Causer	Harper	Parker	Taylor, E. Z.
Cawley	Harris	Payne	Taylor, J.
Civera	Hasay	Petrarca	Thomas
Clymer	Hennessey	Petri	Tigue
Cohen	Herman	Petrone	True
Cornell	Hershey	Phillips	Veon
Corrigan	Hess	Pickett	Vitali
Costa	Hickernell	Pistella	Walko
Crahalla	James	Preston	Wansacz
Cruz	Josephs	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	Leh	Reichley	Youngblood
DiGirolo	Lescovitz	Roberts	Yudichak
Diven	Levdansky	Roebuck	Zug
Donatucci	Mackereth	Rohrer	
Eachus	Maher	Rooney	Perzel,
Evans, D.	Maitland	Ross	Speaker
Evans, J.			

NAYS-9

Creighton	Hutchinson	Keller, M.	Stevenson, R.
Ellis	Kauffman	Metcalfe	Turzai
Forcier			

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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

CONSIDERATION OF HB 2202 CONTINUED

The SPEAKER. The House returns to page 4 of today's House calendar, HB 2202, PN 3070.

CONSIDERATION OF
AMENDMENT A05091 CONTINUED

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

AMENDMENT WITHDRAWN

The SPEAKER. It is the information of the Chair that the gentleman, Mr. George, has withdrawn his 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-196

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

Eachus	Lescovitz	Rohrer	
Ellis	Levdansky	Rooney	
Evans, D.	Mackereth	Ross	Perzel,
Evans, J.	Maher		Speaker

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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.

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Ross, and the gentledady, Ms. Mundy. They are off Capitol leave.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1617, PN 2992**, entitled:

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.

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

Mr. **SHAPIRO** offered the following amendment No. **A04374**:

Amend Sec. 1 (Sec. 1205.5), page 2, line 4, by striking out “A CHILD ABUSE TRAINING COURSE” and inserting

child abuse trainings

Amend Sec. 1 (Sec. 1205.5), page 2, line 10, by striking out “A”

Amend Sec. 1 (Sec. 1205.5), page 2, line 11, by striking out “COURSE”

Amend Sec. 1 (Sec. 1205.5), page 2, lines 14 and 15, by striking out “a child abuse education training course” and inserting

child abuse training

Amend Sec. 1 (Sec. 1205.5), page 2, lines 18 and 19, by striking out “a child abuse education training course” and inserting

child abuse training

Amend Sec. 1 (Sec. 1205.5), page 2, lines 20 and 21, by striking out “a child abuse education training course” and inserting

child abuse training

Amend Sec. 1 (Sec. 1205.5), page 2, line 22, by striking out “course” and inserting

training

Amend Sec. 1 (Sec. 1205.5), page 2, line 24, by inserting after “(1).”

At the beginning of each school year, training material shall be disseminated to mandated reporters employed or contracted by the school district and shall contain information on their role as mandated reporters, signs of abuse and to whom cases of suspected abuse shall be reported, except that such training material shall be disseminated to mandated reporters hired or contracted after the beginning of the school year within one month of being hired or contracted.

(3) All mandated reporters receiving training or material under subsection (b)(1) or (2) shall sign a statement acknowledging that they have been provided such training or material, and have read and understood the training or material.

Amend Sec. 1 (Sec. 1205.5), page 2, line 25, by striking out “A child abuse education training course” and inserting

Child abuse training

Amend Sec. 1 (Sec. 1205.5), page 2, line 28, by striking out “COURSE”

Amend Sec. 1 (Sec. 1205.5), page 3, line 2, by striking out all of said line and inserting

(d) A maximum of three hours every five years spent in child abuse education training

Amend Sec. 1 (Sec. 1205.5), page 3, line 10, by striking out “education training program” and inserting

training

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	McLhattan	Semmel
Belfanti	Gannon	McIlhinney	Shapiro
Benninghoff	Geist	McNaughton	Siptroth
Beyer	George	Melio	Smith, B.
Bianucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O’Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causar	Harhart	O’Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Daly	Keller, M.	Ramaley	Wheatley

DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Leh	Roebuck	Zug
Eachus	Lescovitz	Rohrer	
Ellis	Levdansky	Rooney	
Evans, D.	Mackereth	Ross	Perzel,
Evans, J.	Maher		Speaker

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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. FAIRCHILD offered the following amendment No. A05153:

Amend Title, page 1, line 6, by removing the period after "training" and inserting

; and further providing for approved reimbursable charges for certain school building construction projects.

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

Section 2. Section 2574(c.4) of the act, added July 13, 2005 (P.L.226, No.46), is amended to read:

Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.—* * *

(c.4) For school buildings for which the general construction contract is awarded on or after January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, and where the school building receives a silver, gold or platinum certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System or two, three or four Globes under the Green Building Initiative's Green Globes Green Building Rating System on or after January 1, 2005, the Department of Education shall adjust the approved building construction cost to additionally include the product of the rated pupil capacity as determined by the Department of Education at the time the project is approved and (i) four hundred seventy dollars (\$470) in the case of elementary schools, (ii) six hundred twenty dollars (\$620) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by four hundred seventy dollars (\$470) and the rated secondary pupil capacity by six hundred twenty dollars (\$620) and dividing the sum by the total rated pupil capacity. The Department of Education in

consultation with the Governor's Green Government Council shall issue guidelines to carry out this section.

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

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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

Mr. **PETRARCA** offered the following amendment No. **A05221**:

Amend Title, page 1, line 6, by removing the period after “training” and inserting
; and further providing for home education programs.

Amend Bill, page 3, by inserting between lines 12 and 13
Section 2. Section 1327.1 of the act is amended by adding a subsection to read:

Section 1327.1. Home Education Program.—* * *
(f.2) The school district of residence shall provide access to libraries within the district to students taught in a home education program for the purpose of borrowing scholastic materials. School districts providing library access may designate specific time periods in which persons educated in home education programs are permitted to use their facilities.

* * *

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

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

AMENDMENT WITHDRAWN

The **SPEAKER**. For the information of the chamber, the gentleman has withdrawn his amendment.

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. Birmelin.

Mr. **BIRMELIN**. Thank you, Mr. Speaker.

I want to rise in support of this bill.

Mr. Fairchild has done an excellent job, I think, of addressing a sort of a gap, if you will, in the child abuse reporting circumstances that we find ourselves in here in Pennsylvania.

We had a public hearing on this particular bill in the committee that I chair, the Committee on Children and Youth, and what we found was that many of our public school teachers do have some adequate training dealing with this issue of recognizing legitimate child abuse, but many do not, and because all of our public school teachers are required by law to have some ongoing training and some continuing education programs, we felt that this was the perfect opportunity to put in place a requirement for them to have child abuse training since they are mandated reporters. That training is fairly easy for

them to get, and even if they are not currently employed as teachers, they can get that as part of an online course.

So for a lot of different reasons, I would encourage the members to vote for this bill, HB 1617, because it will go a long way toward giving some real good training to our public school teachers on this very crucial issue of identifying child abuse cases that might otherwise not go reported. So I encourage the members to vote “yes” for this bill.

Thank you.

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING-1

Habay

EXCUSED-6

Gruitza Lederer Shaner Yewcic
Keller, W. Rieger

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 C

RESOLUTION

Mr. ARGALL called up **HR 538, PN 3302**, entitled:

A Resolution directing the Transportation Committee to conduct an investigation of the Southeastern Pennsylvania Transportation Authority.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	Siptroth
Beyer	George	Melio	Smith, B.
Biancucci	Gerber	Metcalfe	Smith, S. H.
Birmelin	Gergely	Micozzie	Solobay
Bishop	Gillespie	Millard	Sonney
Blackwell	Gingrich	Miller, R.	Staback
Blaum	Godshall	Miller, S.	Stairs
Boyd	Good	Mundy	Steil
Bunt	Goodman	Mustio	Stern
Butkovitz	Grell	Myers	Stetler
Buxton	Grucela	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters

Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Killion	Rapp	Williams
Denlinger	Kirkland	Raymond	Wilt
Dermody	Kotik	Readshaw	Wojnaroski
DeWeese	LaGrotta	Reed	Wright
DiGirolamo	Leach	Reichley	Youngblood
Diven	Leh	Roberts	Yudichak
Donatucci	Lescovitz	Roebuck	Zug
Eachus	Levdansky	Rohrer	
Ellis	Mackereth	Rooney	Perzel,
Evans, D.	Maher	Ross	Speaker
Evans, J.			

NAYS-1

Kenney

NOT VOTING-1

Habay

EXCUSED-6

Gruitza Lederer Shaner Yewcic
Keller, W. Rieger

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 895, PN 1417**, entitled:

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

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

Mr. **DERMODY** offered the following amendment No. **A05138**:

Amend Title, page 1, line 2, by removing the period after "animals" and inserting

; prohibiting the purchase, sale and use of alcohol vaporizing devices; and imposing a penalty.

Amend Bill, page 2, by inserting between lines 25 and 26

Section 2. Title 18 is amended by adding a section to read:

§ 7331. Alcohol vaporizing devices.

(a) Offense defined.—A person commits a summary offense if the person purchases, sells, offers for sale, furnishes for use or uses an alcohol vaporizing device.

(b) Definition.—As used in this section, the term "alcohol vaporizing device" means any device, machine or process which mixes spirits, liquor or other alcohol product with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting

3

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

The SPEAKER. On that question, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, a few weeks ago I was reading an article in the Harrisburg Patriot about a new bar and restaurant that was opening in downtown Harrisburg, and I read about a new machine that I had never heard about – it was called an AWOL machine; this is an alcohol-without-liquid machine – and that this bar was going to have 10 of them, and what this machine does, it is a machine that mixes vaporized liquid with oxygen to deliver a fine alcoholic mist. So you would inhale this mist, and the alcohol is immediately ingested into the lungs and into your bloodstream to achieve a very quick and high-test buzz.

The more I looked into this and the more I read about this device and the effects of this device, particularly at a time when we are trying to take great strides in curbing underage drinking abuse, alcohol abuse, and DUI, driving while under the influence, this machine certainly will contribute to an intense and quick intoxication. It is marketed by the developers of the machine as a way to avoid the calories and the hangovers, but it will still provide an intense and quick buzz that we really do not need in our bars and restaurants.

This amendment would prohibit the sale and use of those machines, and I believe it is a good amendment. It fits right in with the course of conduct and our course of work here in the legislature to curb underage drinking, to curb alcohol abuse, and to prevent DUIs. So I would ask support for the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I thank the gentleman for his amendment and, quite frankly, wholeheartedly support it, although I would like to ask him to withdraw his amendment for two reasons.

Number one, there is currently a Liquor Code bill on this very topic. We need to make sure that licensees will be prohibited from selling these types of devices. The second aspect of this is the potential Crimes Code bill. Believe it or not, this is something you can order in your home, over the Internet, for under \$300. These devices have serious potential health risks that need to be examined, and we ought to do this in the setting of a hearing where we can really understand what we can do and what we cannot do legally to try and block these issues.

There are Federal statutes out there to try and block AWOL. There are also a number of States that are working on this issue. So I would certainly welcome the gentleman's support; we can work on this issue together, but let us do it in a way that we understand what we can do and cannot do to make sure that not only our youth are protected but our adults as well.

I would urge the member to withdraw his amendment, if he would consider that, so we can work on this issue together.

AMENDMENT TABLED

Mr. PETRI. Mr. Speaker, if the member is not willing to withdraw it, perhaps a motion to table. I would make that motion.

The SPEAKER. It has been moved by the gentleman, Mr. Petri, that the Dermody amendment be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker. On the motion to table.

I do not—

The SPEAKER. It is not a debatable motion.

Does the gentleman, Mr. DeWeese, yield his time to the gentleman, Mr. Dermody? The gentleman, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

I am not trying to give anybody a hard time; I was not aware until yesterday of the other bill to the Liquor Code, but we had discussions about this bill and this language, and we were told it was appropriate and I think it is appropriate that it be in the Crimes Code. We have got a problem out there right now, a potential problem out there right now, with these machines. This prohibits the use and sale of these machines, and I believe that because we have a problem right now, that having it in the Crimes Code and making it a crime to sell or to furnish these machines is appropriate and would ask the members to oppose this motion to table and proceed to a vote on a very important issue.

The SPEAKER. The majority leader yields to the gentleman, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

Again, Mr. Speaker, I would request that you support the motion to table. The gentleman's amendment is perfectly appropriate except it makes an offense a summary offense. I am not convinced that that is sufficient enough. I would equate this type of offense to something similar to using drug paraphernalia. Would we make the distribution and sale to minors of drug paraphernalia a summary offense? I do not believe so. So I believe we need to spend a little more time on this. We ought to do it in a formal committee setting, and we ought to really identify what we should be doing and make this as strong an offense as we legally can.

So I would ask the members to support the motion to table.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—116

Adolph	Fichter	Maitland	Rohrer
Allen	Fleagle	Major	Rooney
Argall	Flick	Marsico	Ross
Armstrong	Forcier	McGill	Rublely
Baker	Gabig	McIlhattan	Sather
Baldwin	Gannon	McIlhinney	Saylor
Barrar	Geist	McNaughton	Scavello
Bastian	Gillespie	Metcalfe	Schroder
Belfanti	Gingrich	Micozzie	Semmel
Benninghoff	Godshall	Millard	Smith, B.
Birmelin	Good	Miller, R.	Smith, S. H.
Boyd	Grell	Miller, S.	Sonney
Bunt	Harhart	Mustio	Stairs
Cappelli	Harper	Nailor	Steil
Causer	Harris	Nickol	Stern
Civera	Hasay	O'Brien	Stevenson, R.
Clymer	Hennessey	O'Neill	Stevenson, T.
Cornell	Herman	Payne	Sturla
Crahalla	Hershey	Petri	Taylor, E. Z.
Creighton	Hess	Phillips	Taylor, J.

Curry	Hickernell	Pickett	True
Daley	Hutchinson	Pyle	Turzai
Dally	Josephs	Quigley	Watson
Denlinger	Kauffman	Rapp	Wilt
DiGirolamo	Keller, M.	Raymond	Wright
Diven	Kenney	Reed	Zug
Ellis	Killion	Reichley	
Evans, J.	Leh	Roberts	
Fairchild	Mackereth	Roebuck	Perzel,
Feese	Maher		Speaker

NAYS—80

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

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

On the question recurring,
Will the House agree to the bill on third consideration?
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—196

Adolph	Fabrizio	Maitland	Rubley
Allen	Fairchild	Major	Ruffing
Argall	Feese	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	McIlhatten	Semmel

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1690, PN 3218**, entitled:

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

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

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

On that question, Mr. Smith. The Chair recognizes the gentleman.

Mr. B. SMITH. Thank you, Mr. Speaker.

I do recommend concurrence with the Senate’s amendments. What the Senate did was combine three different coyote hunting bills and added a youth mentor hunt, and the youth mentor hunt, you know, was initiated initially by Representative Merle Phillips and Representative Ed Staback. The youth mentor hunt is a new concept, I think it will be great for Pennsylvania, and I do recommend concurrence.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I concur totally with the comments of the previous speaker and the manner in which he has described the youth mentor program. I think the program and the manner it is designed is going to go a long way in attracting more young people to become part of our hunting tradition, our hunting heritage.

So on that note, Mr. Speaker, I, too, would ask for a vote of concurrence.

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—195

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

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

NAYS—1

Crahalla

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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.

MOTION TO RECONSIDER HR 538

The SPEAKER. The House has before it a reconsideration motion signed by the gentleman – I can read the gentleman, Mr. DeWeese’s handwriting – a reconsideration of HR 538, PN 3302, the vote by which it was passed on the 14th day of December be reconsidered.

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

The SPEAKER. On the reconsideration, the Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a negative vote on this reconsideration motion.

Mr. D. EVANS. Mr. Speaker?

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

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, the only thing I am asking of the gentleman is just a reconsideration for the purpose just to make some comments on record regarding this particular issue. So it is a little difficult for me to speak on this issue since I should only be speaking on reconsideration. So the only thing I want to do is just put some comments on the record. That is all that I want to be able to do, Mr. Speaker. But if I am allowed to do that—

The SPEAKER. The Chair recognizes the gentleman under unanimous consent.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I apologize about not having the opportunity to bring it up, and that is not the gentleman's fault, nor the Speaker's fault. The only thing I want to say is that this resolution, Mr. Speaker, is calling for another investigation of the Southeastern Pennsylvania Transportation Authority, and what I wanted to say on the record, Mr. Speaker, is just that people may not know, in the last 4 1/2 years, SEPTA has had 14 separate independent consultants look at SEPTA – 14. So the question I raise, Mr. Speaker, is that it already has had 14, from the Federal government to the State government to the local government. What is strange to me, Mr. Speaker, is that the Governor's commission, the Governor's commission, which we all agreed to, which is going through the exact same process, it does not seem like it makes good sense to have another study and another discussion about what is taking place with SEPTA.

I do not believe, Mr. Speaker, that the Transportation Committee, in my view, will have the adequate time to do what is necessary. Now, I know it passed this House and I know it was unanimous, but we do not need any more studies. We do not need any more studies. We need action. The Governor's commission is basically looking at reform and fundraising on this matter, but the fact of the matter is, here we go again with another commission. So what I intend to do, Mr. Speaker, you know, and I thank the Speaker for allowing me to have this opportunity, is I will just send you a letter with all of the studies that are going on about SEPTA already. This just seems like this is a waste of time and a waste of taxpayers' money.

So I want to go on record, Mr. Speaker, that I think this is a mistake. This will be number 15 – this will be number 15 – and I want to go on the record that we will be adding another study of SEPTA. It needs no more studies; we need to take action.

Thank you, Mr. Speaker, for the opportunity just to make my comments, and I withdraw this motion. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, am kind of reluctant when I hear about an investigation or inquiry or whatever you want to call it concerning SEPTA. Since I have been in this House, I have been calling for attention to be paid to what SEPTA is doing to businesses in my district. It has been going on since 1998. Some 24 businesses have gone under because of a project in West Philadelphia that no one wants to seem to pay attention to.

In terms of investigation, Mr. Speaker, back in the month of February, I believe, the Governor convened a meeting of all these legislators and leaders of southeastern Pennsylvania. At that meeting they were concerned about SEPTA raising fares, SEPTA cutting services. Everything that would be detrimental to the businesses in center-city Philadelphia was talked about at that meeting. Not one time did the Governor of Pennsylvania or many other leaders – I will say respectfully so-called leaders from southeastern Pennsylvania, not all of them but most of them – not one time did they raise the question about those businesses in West Philadelphia that have been suffering since the year of 1997 or 1998, approximately around that time. So while I am concerned about another investigation, I will respectfully ask that attention be paid to SEPTA's arrogance

and putting people out of business at the expense of the people who they are supposed to service.

I, for one, Mr. Speaker, am tired of standing by while I see businesses go under, while I see people lose their jobs, while I see other parts of the city of Philadelphia are flourishing at the expense of these same people. While I want to vote for this, while I want to support SEPTA because I believe it is needed, the same people that I represent need SEPTA, we need public transportation, but I will not be for one more dime going to SEPTA until they learn to respect people, poor people, working people, in West Philadelphia whom they have been disrespectful of, whom they could care less about. I will be for nothing to go to SEPTA until SEPTA learns that they are governed by these people. It is taxpayers' money. And trying to say that they want to better the system, they are knocking people out. Not only the businesses but the residents that live in that area are suffering. No one wants to pay attention to that. We have held hearing after hearing after hearing. Quite frankly, I am tired of hearing after hearing after hearing, and I am going to keep on talking about it until someone hears me. God blessed us to have an election next year. People are going to be running, and some people are going to be put on the spot. Be it Democrat, be it Republican, these people are going to be respected. I guarantee you that they are going to be respected. This same fervor, this same interest that I saw placed in center-city Philadelphia, I want to see that same interest, I want to see those same dollars spent in West Philadelphia for those people who have gone under, because they deserve nothing less. They deserve everything that everyone else gets, Mr. Speaker, and I, for one, will not stand idly by and allow them to continually be disrespected.

So on the question of whether there should be another investigation, I will be honest with you, I really do not know. I want to know the answers to the other 14 investigations, the other audits that supposedly had been made. But until I hear some answers from the State leaders, that is from the Governor on down, believe you me, you are going to have a problem out of Tom Blackwell, because these are the people that I represent, these are the people that send me here, and they are the only ones that can bring me back.

Thank you, Mr. Speaker.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair recognizes the majority whip, who places the gentleman, Mr. REICHLEY, on Capitol leave.

MOTION TO RECONSIDER HR 538 CONTINUED

The SPEAKER. Mr. Blackwell, we do know your concerns. We do know you are upset. I will instruct the chairman of the Transportation Committee to give you a standing invitation to come to the meetings.

Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I do not know if I am for or against this either, but I do want to follow up behind my colleague, because he talked about West Philadelphia. Well, I live in the northwest part of Philadelphia, and there is an old political saying: Reward your friends and punish your enemies. SEPTA here today,

in my view, has presented itself as us being the enemy, and let me tell you what I am talking about when I say “us,” Mr. Speaker. I am talking about my colleagues whom they come to and ask for gas tax money, whom they come to and ask for hundreds of millions of dollars for capital improvements, whom they come to and ask for dedicated sources of funding, and when you ask them to come into our communities, they refuse to engage us in a positive way. They do projects in our communities without informing us. Our constituents are calling us and asking us what is going on. We do not have an answer because SEPTA refuses to take a proactive relationship with elected officials from the Commonwealth of Pennsylvania, and more specifically, from both the House and the Senate.

So like my colleague, Representative Blackwell, said, I believe to the extent that we can, that a public agency needs to be put on notice that if you want to do business with us, you are going to have to do business with us, that you can no longer assume that we are going to be there to support you when you take no actions that show support for us, so we are not embarrassed by our constituents because of an action you decided to take, because somewhere down the line SEPTA’s position is similar to the old political adage, reward your friends and punish your enemies, and for some reason it appears that the members of this House that live in Philadelphia have been determined to be the enemy, and therefore, SEPTA wants to punish us. So if a hearing is going to get their notice, I am for a hearing. If there is going to be another public policy initiative that can get their attention, I am going to be for that.

Tommy Blackwell does not stand alone; Chairman Evans does not stand alone; John Myers does not stand alone; Ron Waters does not stand alone. We are going to operate as a unit. We are going to come together with one message, one political policy, and SEPTA, I hope you all are listening, you are not going to keep disrespecting us, because believe me, if you are listening, when it is time for you all to get resourced up, we are going to sit down.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

And the same as well for Mr. Myers. We are instructing the chairman of the Transportation Committee to see that you get a standing invitation.

Mr. Waters? Mr. Roebuck.

Mr. Waters first.

Mr. WATERS. I will yield to the chairman. All right.

I do not mind being in this line of people who are disappointed at best, very, very disappointed with the way that SEPTA has been handling the business of providing transportation to the citizens of the Philadelphia and surrounding areas in southeast Pennsylvania.

One of the problems that I have currently that has been bothering me is the way that they have been operating in the West Philadelphia Market-Frankford reconstruction project, which they have received lots of money, about \$600 million or better that they have received for this project. SEPTA came into our community back around 1998 and talked to the people in the community about this project and how it was going to cause some problems and some hardships for the businesses and the residents in that area. But SEPTA talked to us about that, and at the same time, SEPTA made some promises. SEPTA made promises about job opportunities. In addition to the hardships, we were not able to be comfortable with the hardships because we said there will be some benefit, we will promise that there

will be some benefit, that some of the young men and women who live in the area were going to be having an opportunity to work and be a part of this project. So that made the project more acceptable to the people inside, who live along that corridor.

I live one block from the corridor. I have had to deal with the dirt, the debris, the discomfort, and the agony of the contractors coming up there working and not having the proper apparatus around for them to do the things that are humanly acceptable, and what I am saying is that if you come into the neighborhood, you have to respect the people who live in the neighborhood. You cannot come into the neighborhood and not put up potty chairs, the Johnnies on the Spot and other facilities like that, so that the contractors will have some way to relieve themselves. Instead of doing that, they came into our neighborhood and did not provide the contractors with that kind of work and the laborers with those kinds of opportunities to properly relieve themselves and left them with, you relieve yourself the best way you see fit, wherever you see fit. If you cannot find a bathroom, then make a bathroom. If you cannot find a way to protect the handicapped ramps so that people in wheelchairs – and this is an ADA (Americans with Disabilities Act) problem – that if people in wheelchairs cannot have access to the curbs, then just block the curbs with your sandbags and whatever it is you want to leave around there. No one inside of this chamber would accept that kind of behavior on their constituency, and no one in this chamber would support it. I am sure no one in this chamber would support it.

But this is what came into our community. It was an eyesore and it was a slap in the face to the people who live in that community, who deserve and who are entitled to better. Not even talking about the lie that they gave to our community with the promises of job opportunities, which made it a little more acceptable. If there are going to be some hardships, at least there is going to be some benefit. They lied to us, and when the lady who sits on the chairmanship of SEPTA was asked the question a couple of years ago here in Harrisburg, what about those promises that were made to our community, she said, those job opportunities, and I quote her, “do not exist”; they do not exist. So they lied to the community, they disrespected the community, and they have taken advantage of our community, and we get nothing out of it.

After this project is completed – and we want it to be completed as soon as possible – how should the people in that community feel about this project knowing that they had no involvement in it, had to deal with the hardships, all those stores that have been closed, and a couple of the churches had to close their doors, too. They have no respect for humanity and no respect for God.

There should be an investigation of SEPTA, but I want to see an investigation of SEPTA that gives us some results about this investigation, and I want SEPTA to be held accountable for what they have done to the community and what they are doing with the resources that they have been given, because just to have studies and no end result, no accountability, just having a hearing or test studies just to have studies, just to make it look like we are doing something, is not acceptable; it is not enough. We are entitled and we deserve better.

We as members of the West Philadelphia community, northwest community, and anywhere else where SEPTA runs, we have to come together and say, enough, SEPTA; you have done enough harm to our community; now you have to be held accountable, and if they want to come to us and ask us for help,

we do not mind giving them the help that they need, but they are going to have to come to us correct, and we are going to be watching them, and if they do not come to us correct, if they do not come to us correct and if they do not hold their promises, do not come to us at all.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, mass transit is incredibly important to us in the suburbs as well as to the folks in the city, and I hear what my colleagues from Philadelphia are saying about the problems that they are dealing with, and although the problems are different in the suburbs, we also are concerned about the future of mass transit. We all know that in the past few months we have been fighting hard for a dedicated funding source and that with the Governor's actions we have staved off the problem for some time, but we are going to have to readdress that problem in the near future, before the end of this session, and I think it is important that as a body we have confidence in SEPTA, in mass transit across the State, before we make a decision to create a dedicated funding source for those different authorities.

But, Mr. Speaker, as a former daily commuter on mass transit, both on the bus and on the train and now as a member of the Transportation Committee, I do want to ensure that we practice what we preach. One of our concerns with mass transit is that they are wasteful in their spending, and we all know that there have been over 10, as many as 15 studies in recent years on SEPTA. We have the Governor's commission right now, and I just want to make sure that as a body we are being efficient with our own resources, that we are paying attention to the taxpayers' dollar as we set forth in our charge to make sure that SEPTA is worthy of the dedicated funding source that we are going to try to find for it.

So I encourage us as a body to make sure that, again, we practice what we preach, that we are not being duplicative, that we spend our money wisely, and before we go about hiring any outside consultants and spending taxpayer money, that we review those 14 studies, that we get our hands on the Governor's study, and we make sure, we make sure that if we were to go to an outside consultant, that it is absolutely necessary.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

One moment. Mr. Civera was way before— Mr. Civera first, then Mr. Roebuck. Then Argall, then Roebuck.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, what these gentleman had said and the way they addressed the House this afternoon is absolutely 100 percent true. What SEPTA did to those communities, because it butts up against my legislative district, which is one of the smallest, the smallest borough in the State of Pennsylvania, Millbourne, it practically bankrupt the borough. They came in there to do construction work on an elevated line that they promised those business people in West Philadelphia as well as in Millbourne that they would be there no more than a year and a half or 2 years. They promised them everything, that it was going to be a beautiful site. You need to come down and see it, you need to come down and see the destruction that was done, and when you approach SEPTA and when you ask them, they ignore you.

They have told us – now get this – that the completion might be 2010. Now, the only problem with this resolution is and what this resolution really needs, if you really want to get into it, it needs subpoena powers. It needs to get these people in front of them under subpoena, under oath, to find out what happened to these communities. You have no idea of the destruction. They took out lights, drug activity increased, vandalism increased. People that have been in business for 50 years, that gave it to their son or to the daughter, were driven out of business, and they snubbed their nose at them. They snubbed their nose at them. This is no lie. If any one of us, each and every one of us, had what happened to them, you would be devastated. You would be devastated. Not only would you be devastated, you would not tolerate it.

So my recommendation is – I do not know how to do this procedurally – what needs to be done here is that this resolution needs to say that if you are going to do an investigation or if the Transportation Committee wants to come back, it needs subpoena powers to find out what the problem was, what was described here today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to support my colleagues in voicing their anger, their concern, about SEPTA.

SEPTA is without doubt the most unresponsive bureaucracy in the world. They totally disrespect the community they are supposed to serve, they disrespect the political leaders with whom they are supposed to interact, and then beyond that, they tell us they need money. Well, I, for one, want to say I would not vote one cent for SEPTA. I would certainly, I have always been a supporter of mass transit, but I am not a supporter of the inept, arrogant bureaucracy that tries to run a transportation system in southeastern Pennsylvania.

Let us understand, not only have they destroyed the community through which the West Philadelphia El project runs, which is in part of my district, not only have they done that, but they have done it in a way that will inflict permanent blight on that community. It does not go away if they finish the project in 2010, if they do it then. The blight, the damage they have done, will continue and will not end with the completion of the project. They had no concern about how that project should be done. They are doing 19th-century technology in the 21st century and saying, gee, you ought to be happy with that. The reality is, what they are doing destroys the business corridor and it destroys the surrounding neighborhoods. They are going to push traffic off of the El corridor into the surrounding neighborhood, and they could not care less about that. They are going to impact on the quality of life throughout the area. They do not care about that. And they do not care about the continuing day-to-day disruption that they have inflicted upon the community that I represent.

I believe that having another study does not make a lot of sense. I think what we need to do is design a way to hold SEPTA accountable, to be honest with the Philadelphia community. I believe we ought to think about dissolving SEPTA and getting a transportation system in southeastern Pennsylvania that works. SEPTA does not work. SEPTA needs to be broken up. SEPTA needs to be held accountable, and I question, why are we doing another study that does not address the fundamental need for the people I represent, the

need to be made whole, the need to do something with the inept, corrupt, unresponsive bureaucracy known as the Southeastern Pennsylvania Transportation Authority.

Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Bishop.

Ms. BISHOP. Thank you very much, Mr. Speaker.

Mr. Speaker, what you have heard here this afternoon is just a small sample of what the community that the rail lines in the city of Philadelphia is experiencing and what they are saying to their Representatives. The SEPTA railroad or the SEPTA line, which we call the rail line, the El line, in Philadelphia, has been worked on for years. They are trying to rebuild, so they say, but what they are really doing is destroying an entire community. They have plans, they say, that will take another 10 years to complete, but in the process, when they complete, if they indeed do complete that rail line, they will have to rebuild an entire community. The heavy equipment that comes through there is enough to destroy the houses around there, and they are already being weakened by the heavy traffic, the heavy equipment that is moving.

SEPTA has turned a deaf ear to all of the meetings that we have had, the community meetings that we have had, and they have actually turned a deaf ear to the Representatives. In fact, we were told by one of the high employees in an executive capacity that the State did not give them much money and they did not have to listen to the State because their money came from Washington. This resolution does not address the myriad of problems that exist. It will only enhance SEPTA and empower SEPTA to continue to destroy our communities.

I do not have all of the answers that we need, but I do know this: If we withhold this resolution, if we withhold – and I understand the need for a dedicated funding – if we withhold it until we are able to sit down with SEPTA, SEPTA is forced to come to the table with those who appropriate the funds, then perhaps we can work out a solution so that we can get what we need for our community and SEPTA can get the money perhaps it needs, if indeed it needs any, to complete the work that they are doing.

So I ask respectfully that we withdraw momentarily until we have had a chance to talk and we have had a chance in this House to come up with a plan whereby SEPTA can work with the community that it has destroyed and is continuing to destroy. Yes, that community, our community, needs to be made whole, and this resolution does not make it whole.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Representatives from West Philadelphia, Representatives from Darby, and all other like-minded Representatives who believe that the sun has gone down on doing business in a way that moves us to continue to shell out public dollars and get disrespect in return. Reciprocity, the time for reciprocity is now. I do not support another investigation. What I support is 21st-century accountability. We fund SEPTA with tax dollars. At a minimum, at a minimum, public dollars should never be used to aggravate, agitate, and destroy a community.

Mr. Speaker, this community has been destroyed, and my district would have gone through the same thing if people did not decide that enough is enough, because SEPTA

came on Girard Avenue, came on Girard Avenue with a multimillion-dollar project that the Federal government and the State was financing, and they decided that they did not have to give the communities around Girard Avenue any respect. Well, Mr. Speaker, the people went out there and shut down Girard Avenue until they got respect, until they got respect on all aspects of that public improvement project. Now, Mr. Speaker, in 2005 folks should not have to go to the middle of the street in order to get respect, especially when we have the talent, vision, and have the wealth of knowledge that we have in this august body.

So, Mr. Speaker, I rise to ask that this resolution be put on hold and that what moves forward is a commitment, a commitment to get respect, a commitment to make the communities of Darby, Millbourne, and the communities of West Philadelphia, make those communities whole. We can never allow ourselves to be involved in the business of providing taxpayer dollars to a situation that ends up destroying jobs, destroying homes, destroying small businesses, and destroying the basic morale of a community.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I rise and ask one question. We did a survey and we did a report on dedicated funding for mass transit. When SEPTA and other transit authorities stated they needed more money, I thought, well, we need some innovation so we can find a dedicated funding source, which is naming rights. That has not been introduced or even thought about by SEPTA and a lot of other transit authorities throughout this great Commonwealth.

My question, and I would like an answer to it, will naming rights be considered and will our transit authorities conform to having naming rights as a part of their dedicated funding source? It is working all around the nation – New York, Las Vegas, California, Connecticut – and I cannot understand or fathom why it is not being done here, and I would appreciate the Transportation Committee to consider using and asking them to utilize – I will send the report out again – for naming rights.

The SPEAKER. The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I thank all of you for your suggestions. You should know that my district is not served by SEPTA. It does not come, I guess, within 40 or 50 miles of my southern border, but you have all impressed to me, as in my days with the Urban Affairs Committee and my days with the Appropriations Committee, how important these services are to southeastern Pennsylvania. But I would also remind you that it really goes much further than that, that when the Governor was taking money from rural and suburban projects and urban projects all across Pennsylvania to divert them, to divert those transportation dollars to SEPTA, to other mass transit agencies, then it becomes literally a statewide issue.

I have full faith in the members of the House Transportation Committee and Representative Geist and Representative McCall to conduct the study that we have authorized. I know that there have been many studies in the past, but we are not satisfied with the results to date; that is why we are asking them today to go ahead to do this additional research and to come back to this House with a better alternative than the status quo. I do not believe that anyone in this House is satisfied with the status quo.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. DeWeese, withdraws his reconsideration motion.

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 163, PN 3311

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

HB 1686, PN 3174

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of paintball guns and paintball markers, criminal mischief and sale and use of air rifles.

HB 1690, PN 3218

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

SB 712, PN 1410

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

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

The SPEAKER. The House will be at ease.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The gentleman, Mr. Reichley, is on the floor. He has returned from Capitol leave.

SUPPLEMENTAL CALENDAR D

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1539, PN 3176**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for reports to the Secretary of Revenue; and establishing and providing for appropriation to the Emergency Energy Assistance Fund.

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

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

MOTION TO SUSPEND RULES

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

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

I would like to make a motion to suspend the rules for the consideration of amendment 05154.

The SPEAKER. It is moved by the gentleman, Mr. O'Brien, that the rules of the House be suspended for immediate consideration of amendment 5154.

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

The SPEAKER. On that question, the gentleman, Mr. George.

The Chair recognizes the gentleman, Mr. DeWeese.

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

I rise to oppose my honorable friend from Philadelphia. We have made strenuous efforts and none has been more vigorous than his own in recent days and weeks for children with autism and with a variety of other latchkey children, and I doff my hat to him, commend him, and we will continue to work side by side with him.

His motion is not necessary tonight. He has been assured by the chief of staff of the Governor that this measure will be favorably attended to in other legislation in the immediate future. What the gentleman's innocent and well-meaning effort will do, however, is it will deter the Pennsylvania General Assembly from putting forward our LIHEAP (Low-Income Home Energy Assistance Program) proposal and allowing it to go to Governor Rendell tonight, by 7 o'clock in the evening.

The LIHEAP proposal, the emergency energy proposal, the money for our citizens of low and modest income is of quintessential importance, and although my honorable friend from Philadelphia has a very good and idealistic proposal that he wants to amalgamate into this bill, it would then have to go back to the Senate, then maybe to the Governor, and the LIHEAP proposal would be cut somewhere in the nether region.

So what we have here, Chairman George and Chairman O'Brien—

Mr. O'BRIEN. Mr. Speaker? Mr. Speaker, I think the gentleman is on the wrong amendment.

The SPEAKER. The Chair gives more latitude to the leaders than anyone else on the floor, and that is the way it has been.

Mr. DeWEESE. There is no doubt, and I appreciate that, Mr. Speaker, but—

The SPEAKER. I am sorry. The gentleman said you are on the wrong amendment.

Mr. DeWEESE. And that is possible. The gentleman does have several amendments.

The SPEAKER. 5154. We will pay closer attention, Mr. O'Brien.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. With all due respect, the gentleman may be specifically correct, but in general, our efforts are to make sure that the LIHEAP proposal passes tonight and goes to the

Governor for a signature tonight. The gentleman's parliamentary effort would send it potentially to the Senate, and God knows what would happen to it there. Would there be other efforts to change or alter the bill?

So no matter what amendment, the action that he is doing when he tries to suspend the rules— And I admit, it is for a good cause. He and I worked on four autism efforts within the last 2 to 3 weeks and we will continue to, and the funding that he is requesting has been discussed with Mr. Estey of the Governor's staff, the chief of staff, so it is not as if this is something gossamer and iffy. We have had a solid handshake and we are confident that Governor Rendell wants to help the gentleman, Mr. O'Brien, in his effort, but the effort, if it is tonight, I believe, Mr. Speaker, jeopardizes emergency home heating efforts. It is very, very cold. A blizzard is upwelling from the west, and I just think it is appropriate that the Nickol effort, the idea to concur on the Senate efforts, should go forward with a favorable vote and we should not suspend the rules. I have had some quiet sidebar discussions with other Republicans who agree with me. This is certainly not a partisan effort. This is just an effort for us to get LIHEAP money to the people that need it and get it there now with a gubernatorial signature tonight.

So I very respectfully oppose the gentleman and would ask that a suspension of the rules not take place; a negative vote would be forthcoming for LIHEAP.

The SPEAKER. The majority leader yields to the gentleman, Mr. O'Brien.

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

The gentleman said that there is a handshake; there is an agreement with the Governor's chief of staff. I have never, since July, had a conversation with the chief of staff about this issue. So I would welcome, I would welcome that support and that guarantee, and I would admit that that is not necessary, but I have never had that conversation, and that is why, Mr. Speaker, that I, along with all the members of this House, have cosponsored at least four bills that fund a very important issue for 40,000 families in Pennsylvania.

Let me just paint a picture for you, that I agree with the minority leader that there are a lot of people that worry about how they are going to heat their house over the next several months because of the increase in the price of gas, but let me tell you that some of those same people that cannot pay for the heat for their house cannot afford the services for their disabled children. They are one and the same people, in many cases. Mr. Speaker, these parents also do not know whether they are going to be able to go to work in January or February if the waiver that is currently pending before CMS (Centers for Medicare & Medicaid Services) is approved. These services are critical to these families.

Mr. Speaker, we passed two bills here that provided for a modest \$7 million to fully fund what we call the loophole kids. It passed in those two vehicles, and we passed overwhelmingly, with 170 cosponsors, a mandatory insurance plan. The gentleman spoke about another amendment that I am not going to offer here tonight. That amendment would have taken half the money for LIHEAP and appropriated it to create a children's fund. I am not doing that. What I am very simply doing is asking for an increase of 0.34 mills which gives our children with the loophole, the loophole families, \$7.34 million.

Mr. Speaker, we have said, I have found two sources where we find that the money exists to fund this program. This is not difficult. This is yet a third source that the maker of this amendment is identifying, the gross receipts tax. If it is there with \$21 million, it is there for another 7; it is another \$7 million. This will not stop this, the momentum in the Senate, and I have talked to people in the Senate. I have talked to staff people over there. No one has told me that this is a deal killer. If we in this House always work on the premise that the Senate is not going to do something if we change it, then we cease to function over here.

Mr. Speaker, with almost 200 cosponsors on these supplemental appropriations bills, with over 170 cosponsors on the insurance plan—

The SPEAKER. The gentleman is debating the merits of the bill. Please confine your remarks to the suspension.

Mr. O'BRIEN. Mr. Speaker, we have decided this. This motion to suspend is perfectly in line with the strategy to help these families before Christmas. You have done it before. Please, please support me and my families tonight and vote for the suspension of the rules.

Thank you.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. If we had the chance in an hour or two or three with another bill, we would have a unanimous vote in the chamber. The Democrats would support the gentleman completely. We are for him. We want his proposal to pass. He and I have been in committee meetings as recently as last month together in the Ryan Office Building working substantively on this with constituents from our respective districts, so we definitely are in concurrence here. But the honorable gentleman did have a chance a day or two or three or four or five ago. This bill came from the Senate. The Senate, with his conversations over there, they could have amended it in over there.

This bill is going to the Governor within minutes, and thousands and thousands, no, tens of thousands of very, very marginally incomeed people, if there is such a phraseology construction, people with marginal incomes, are going to be helped by LIHEAP, our emergency energy money, and all I am saying is, we are going to help the gentleman in a subsequent bill. And senior members of the Republican leadership, Mr. Speaker, have assured me that they have also had conversations with Mr. Estey, the chief of staff, and that he is very favorably inclined and he wants to be helpful; he wants to do this; the Governor wants to do this, so it is not a matter of trying to stultify or negate. It is just a chance to get this bill for emergency heating money to the Governor tonight. Your reasoning that the Senate will deal with it is just worthy of some more thought because they did not deal with it before it got here. Let us get this bill to the Governor tonight, and let us work very collaboratively and collegially in the next few days and send another bill for funding for your very worthy project.

I would again respectfully request a negative vote on suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—122

Adolph	Fabrizio	Leh	Rooney
Allen	Fairchild	Maier	Ross
Argall	Feese	Maitland	Rubley
Armstrong	Fichter	Marsico	Ruffing
Baker	Fleagle	McGeehan	Sather
Baldwin	Flick	McGill	Scavello
Barrar	Forcier	McIlhattan	Schroder
Bastian	Gabig	McIlhinney	Semmel
Bebko-Jones	Gannon	McNaughton	Smith, S. H.
Belfanti	Geist	Metcalfe	Sonney
Benninghoff	Gergely	Micozzie	Stairs
Birmelin	Gingrich	Millard	Steil
Boyd	Godshall	Miller, S.	Stern
Bunt	Good	Mustio	Stevenson, R.
Butkovitz	Goodman	Nailor	Stevenson, T.
Cappelli	Grell	O'Brien	Tangretti
Casorio	Harhai	O'Neill	Taylor, E. Z.
Causer	Harhart	Pallone	Taylor, J.
Cawley	Harper	Payne	Tigue
Civera	Harris	Petrarca	True
Clymer	Hasay	Petri	Turzai
Cornell	Hennessey	Petrone	Vitali
Creighton	Herman	Phillips	Wansacz
Dally	Hershey	Pickett	Watson
Denlinger	Hess	Pistella	Wilt
Dermody	Hickernell	Rapp	Wright
DiGiroloamo	Hutchinson	Raymond	Yudichak
Diven	Kauffman	Reed	Zug
Donatucci	Keller, M.	Reichley	Perzel,
Ellis	Kenney	Roberts	Speaker
Evans, J.	Killion	Rohrer	

NAYS—73

Belardi	Freeman	Mann	Santoni
Beyer	George	Markosek	Saylor
Biancucci	Gerber	McCall	Shapiro
Bishop	Gillespie	Melio	Siptroth
Blackwell	Grucela	Miller, R.	Smith, B.
Blaum	Haluska	Mundy	Solobay
Buxton	Hanna	Myers	Staback
Caltagirone	James	Nickol	Stetler
Cohen	Josephs	Oliver	Sturla
Corrigan	Kirkland	Parker	Surra
Costa	Kotik	Preston	Thomas
Crahalla	LaGrotta	Pyle	Veon
Cruz	Leach	Quigley	Walko
Curry	Lescovitz	Ramaley	Waters
Daley	Levdansky	Readshaw	Wheatley
DeLuca	Mackereth	Roebuck	Williams
DeWeese	Major	Sainato	Wojnaroski
Evans, D.	Manderino	Samuelson	Youngblood
Frankel			

NOT VOTING—2

Eachus	Habay
--------	-------

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

On the question recurring,
Will the House 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—196

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

NAYS—0

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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.

MOTION TO RECONSIDER HB 1539

The SPEAKER. It is moved by the gentleman, Mr. O'Brien, that HB 1539, PN 3176, the vote by which it was passed on the 14th day of December be reconsidered.

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

(Members proceeded to vote.)

VOTE STRICKEN

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Yes. Mr. DeWeese.

Mr. DeWEESE. Strike the vote, please.

The SPEAKER. Strike the vote.

Mr. DeWEESE. I would like to speak on reconsideration.

The SPEAKER. The gentleman is in order.

Mr. DeWEESE. On Pearl Harbor Day I am reminded by Mr. Samuelson that we voted for the \$7 million for autistic children, and we voted and it passed and the gentleman's effort was again reinforced. I do not know how many times we can say this, but LIHEAP money, emergency heating money, can be realized tonight. It can go to the Governor for his signature tonight. And I was given some inference, not a handshake – I am not going to lament – but I was given some inference from the Republican leadership team that there would be some votes for LIHEAP and against this motion to suspend, so I think the House has spoken and I see no reason to reconsider.

This is a terrible dilemma. We are talking about elderly people who are frail and of very low and modest income on one hand of this debate, and on the other end of the debate, we are talking about autistic children. It is a lose-lose. But the Governor's chief of staff, according to some of my friends in the Republican leadership team, have given assurances that this would be forthcoming. And again, if we are going to send this back to the Senate, there is no guarantee what the Senate is going to do. Mr. O'Brien had a chance with his many, many contacts, in his many years of solid service, knows every player in the State Senate, and when this bill came to us, it could have had that money for autism in there. The \$7 million was sent over from the House on Pearl Harbor Day, so they know what we want to do. They know what the honorable gentleman is trying to do, and he has been very successful. We have been very collectively successful. But I see no reason to reconsider what we just did.

We need to send a LIHEAP bill to Governor Rendell tonight, and I would ask for a negative vote on reconsideration.

The SPEAKER. Mr. O'Brien.

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

I have spoken many times on this floor and in caucus, and I want to thank everybody for their efforts. I just want to set the record straight. The gentleman keeps throwing around the chief of staff, Mr. Estey. I have not had a conversation with Mr. Estey since July, since July on this issue. I did not know that the Senate was going to send over a \$20 million package, but I find it very difficult while every time we turn around we can find money for this, for that, for the other thing, and we cannot find enough money for the most vulnerable citizens in the Commonwealth of Pennsylvania.

Mr. Speaker, what we did here tonight by not suspending the rules may, in effect, prohibit us from resolving this issue, because the issue is pending, the waiver is pending before CMS. If that is approved before we go back in January, then this issue is over. We are not going to come back and revisit it. We are here being stalled. We passed something in the House, and there is no, there is no reasonable expectation that our actions in the House are going to be reciprocated or voted on in the Senate. This was our opportunity, and again, we are told not today, Mr. Speaker, not tonight. Well, then when, Mr. Speaker? When are we going to face up to our responsibility for the 40,000 most vulnerable families in the Commonwealth of Pennsylvania, who, very frankly, Mr. Speaker, are single parents who cannot go to work if these services are withdrawn? Their families have already fallen apart. There is no system for these people. They are asked to pay a sliding scale, a sliding scale, Mr. Speaker, a premium for a system that does not exist in Pennsylvania, and let me remind the ladies and gentlemen of the House what the consequence of that is. These families who are not, who are not going to sign up for the medical access plan are going to cost local school districts \$82 million. We are here talking about property tax reform, and you are going to go home and have to tell your school districts that they lost out on \$82 million in Federal money, because these parents are not going to pay up to \$1,000 for a premium for a system that does not exist, and the medically fragile children, that is going to cost another \$50 million in medical assistance.

Mr. Speaker, we missed a great opportunity here tonight. These families are desperate for a system; they are desperate to take care of their children. Every time we come to the microphone or we come to a floor debate in a budget, we have not done anything for autism in Pennsylvania in the many, many years that I have been here, and we did not do anything again tonight. I feel bad about that.

I thank those who voted for suspension of the rules, and I also thank those who cosponsored the supplementals and the mandatory insurance, but again, Mr. Speaker, there are no guarantees. There has been no offer of an accommodation or a will to resolve this issue for these families. No one has spoken to me since July except the several members of this chamber that have added their name in support on these important measures. I thank you for that.

And, Mr. Speaker, this is Alec Ruffing, Representative Ruffing's son. There are members of this House whose children are not going to get services. This is one individual, Mr. Speaker, whose family is going to suffer greatly because we are not appropriating \$7 million for the most vulnerable children in the Commonwealth of Pennsylvania. I am very sad for that, and these people are not going to have a good Christmas because they are not going to be able to plan what their life is going to be about over the next several months, because when these services are not available, as I said, these single parents cannot go to work. How are they going to support their family? Where are these children going to go?

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Again, I agree with 99 percent of what the gentleman from Philadelphia said. Denny O'Brien has been a friend of mine for almost 30 years. Obviously, Ken Ruffing is a great pal of mine, too.

I just got a call at the Speaker's dais at 8 minutes after the hour from John Estey, chief of staff, reconfirming what we just said. He wants to help and the Rendell administration will help the gentleman. This is on the record. This is booming out to 12 million Pennsylvanians. The autism focus that Denny has galvanized over the past many months is certainly reverberating within the gubernatorial chambers and the highest elements of his staff team.

Tonight is the night to get this proposal to help low-income folks get heating oil assistance, and we need to get to work very aggressively with our State Senate counterparts. If the gentleman will take his time for a moment and realize if the matter was in this bill, if it had come from the Senate, we would not have to suspend the rules. It would be speeding on its way to the Governor right now with both the autism money and the LIHEAP money in the same bill. So everybody in this room is in favor of both programs. This is a Solomonian effort. We are trying to cut the baby in half and we cannot do it. This is a lose-lose no matter how we vote, but there is no way, no way anybody can take political advantage of this vote, there really is not, because the counterpoint to the opposite vote is justified. If you vote for LIHEAP and against autism or for autism and against LIHEAP, that is ridiculous. We can, as mature people, make political arguments that give us safety. That is secondary.

The preeminent thing is, get the LIHEAP money to the Governor and work with Mr. O'Brien, Mr. Ruffing, and so forth, work with them to get the autism money. He knows, and we are too good of friends to deny it, that we have been in the same rooms over in the Ryan Office Building within the last 4 or 5 weeks in hearings with our constituents and we are working it. The Senate needs a little bit more focus and inspiration on this issue.

I really think the House and the Governor are anxious to go forward, but I would ask for a "no" vote on reconsideration. We just decided it a few moments ago; it does not have to go out again. This is a procedural vote, and I would ask the Democrats to stick with the leadership team and vote "no" on reconsideration.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, obviously this is an issue of significant importance and an issue of high emotion. Last year in the process of the budget negotiations, with a lot of additional reinforcement, I took it upon myself, because of the interests of the gentleman from Philadelphia and the people that he was advocating for, to push this issue significantly in the budget process. I believe we were able to get somewhere in the vicinity of \$10 million negotiated in that would have addressed what was approximately a \$21 million problem at the time. As the numbers have shaken out and all, it has boiled down to approximately a \$7 million problem.

At the time the budget was settled, and it was fairly tight, the administration had indicated their commitment towards addressing this issue in the form of a supplemental appropriation. While I can recognize the gentleman from Philadelphia's frustration that here is, in essence, a supplemental appropriation being moved and that it does not specifically address that problem, I believe, Mr. Speaker, that the commitment is still there to address the issues through a subsequent supplemental appropriation that will meet the needs

of these individuals, and I am still committed towards doing that.

I believe, as the previous speaker was noting, that this bill that has been developed in the Senate relative to the LIHEAP program funding is in a position to be sent to the Governor's desk. The administration very much would like to have it in its current form. If it is amended with other supplemental appropriation language, it will clearly be running into conflicts in the Senate, under the circumstances, and because of that, Mr. Speaker, I would ask the members to vote against the motion to reconsider and allow the bill to be signed and passed on to the Governor's desk.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Is this on the motion to recommit? First of all, I want to say—

The SPEAKER. To reconsider; to reconsider, Mr. George.

Mr. GEORGE. To reconsider. —that I have the ultimate respect for not only the gentleman, Mr. O'Brien, but for all of you. In my 32 years I guess I have never felt like I feel right now in that as I look around, I see that the emotions are high, and this is a very difficult thing in that someone might feel that what they consider to be a priority is not being accepted. I guess it is like the Biblical term of which baby do we kill and that no one has to be killed. We are all going to get together and we are going to help Mr. O'Brien and all of those decent folks who carry such a load.

The only reason that I do not want to see it delayed is that the gentleman, Mr. Nickol, has allowed me to put that amendment in. And no more than any other district, Mr. O'Brien probably has hundreds, if not hundreds of individuals that he loves and cares for that are having trouble with the realization that natural gas has gone up to about \$12 and some cents per 1,000 cubic feet, which means that any way that you take a pencil or a calculator, that they are only going to get about a quarter of what they got the previous year.

So we labored, and I guess maybe some of us were somewhat confused about the 20 hours yesterday where we just talked, and the talk was about saving people's homes from loss because of indebtedness and lack of payment. I am only saying to Mr. O'Brien and to all of you, and if I may, Mr. Speaker, you and the gentleman, the majority leader, Mr. Smith, and no less, and he might be last but he is not least, my leader, Bill DeWeese, that you make me very proud to have been here more than 30 years to understand that even though it does not happen as often as it should, we are all one. Partisan does not mean very much as long as we, even though we take different directions to get to the point, to get to the heart of the matter, that we get there.

I would hope that we could pass this bill tonight and have the Governor keep his commitment, and Mr. O'Brien does not need a rank and file like Bud George, but I can say to him without any reservation, I will walk with him across to that office anytime, not only as his colleague but as his friend.

None of us are aloof. We all have people that need help, but I am just saying if we want to save their homes right tonight and tomorrow morning, we can save them from freezing, so I ask that we do not suspend the rules, and I thank all of you. And I apologize if I have affronted someone. We are not here to affront; we are here to care.

Thank you very much.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—80

Adolph	Evans, J.	Leh	Reed
Allen	Fairchild	Maher	Roberts
Armstrong	Fichter	Marsico	Rohrer
Baker	Flick	McGill	Ruffing
Baldwin	Gabig	McIlhattan	Scavello
Barrar	Gannon	McNaughton	Schroder
Bastian	Geist	Metcalfe	Semmel
Benninghoff	Gergely	Micozzie	Stevenson, T.
Birmelin	Gingrich	Miller, S.	Sturla
Bunt	Godshall	Mustio	Taylor, E. Z.
Butkovitz	Good	O'Brien	Taylor, J.
Causer	Grell	O'Neill	Tigue
Civera	Harhart	Pallone	True
Cornell	Harper	Payne	Turzai
Dally	Hasay	Petri	Vitali
Denlinger	Hennessey	Phillips	Wansacz
DiGirolo	Hershey	Pickett	Watson
Diven	Hutchinson	Pistella	Wilt
Eachus	Kenney	Rapp	Wright
Ellis	Killion	Raymond	Yudichak

NAYS—116

Argall	Feese	Manderino	Santoni
Bebko-Jones	Fleagle	Mann	Sather
Belardi	Forcier	Markosek	Saylor
Belfanti	Frankel	McCall	Shapiro
Beyer	Freeman	McGeehan	Sipthoth
Bianucci	George	McIlhinney	Smith, B.
Bishop	Gerber	Melio	Smith, S. H.
Blackwell	Gillespie	Millard	Solobay
Blaum	Goodman	Miller, R.	Sonney
Boyd	Grucela	Mundy	Staback
Buxton	Haluska	Myers	Stairs
Caltagirone	Hanna	Nailor	Steil
Cappelli	Harhai	Nickol	Stern
Casorio	Harris	Oliver	Stetler
Cawley	Herman	Parker	Stevenson, R.
Clymer	Hess	Petrarca	Surra
Cohen	Hickernell	Petrone	Tangretti
Corrigan	James	Preston	Thomas
Costa	Josephs	Pyle	Veon
Crahalla	Kauffman	Quigley	Walko
Creighton	Keller, M.	Ramaley	Waters
Cruz	Kirkland	Readshaw	Wheatley
Curry	Kotik	Reichley	Williams
Daley	LaGrotta	Roebuck	Wojnarowski
DeLuca	Leach	Rooney	Youngblood
Dermody	Lescovitz	Ross	Zug
DeWeese	Levdansky	Rubley	
Donatucci	Mackereth	Sainato	
Evans, D.	Maitland	Samuelson	Perzel,
Fabrizio	Major		Speaker

NOT VOTING—1

Habay

EXCUSED—6

Gruitza	Lederer	Shaner	Yewcic
Keller, W.	Rieger		

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

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 1539, PN 3176

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for reports to the Secretary of Revenue; and establishing and providing for appropriation to the Emergency Energy Assistance Fund.

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

RECESS

The SPEAKER. The regular session of the House stands in recess to the call of the Chair.

AFTER RECESS

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, upon the declaration of the recess, there will be an immediate meeting of the House Appropriations Committee in the rear of the House; not in the Appropriations conference room, in the rear of the House.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the House Appropriations Committee in the rear of the House at the recess.

The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I am not sure about what time we are going in session tomorrow. I have a 9 o'clock committee meeting. I was waiting for an announcement about session.

REPUBLICAN CAUCUS

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentlelady.

Mrs. TAYLOR. Mr. Speaker, we will have a Republican caucus at 9 o'clock and on the floor then at 10; Republican caucus at 9 and on the floor at 10.

Thank you.

The SPEAKER. There is your answer, Mr. Godshall.

COMMITTEE MEETING POSTPONED

Mr. GODSHALL. Thank you, Mr. Speaker.

The Tourism Committee meeting that was scheduled for 9 o'clock is going to be postponed tomorrow morning at 9 o'clock, and we will have that same meeting off the floor at the first recess tomorrow. It will be announced tomorrow. But the 9 o'clock meeting will be postponed until later in the day.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

SUBCOMMITTEE MEETING CANCELED

The SPEAKER. The gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

The special subcommittee meeting for sales tax initiative scheduled for 9:30 tomorrow morning has been canceled. Thank you.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. STAIRS

The SPEAKER. Does the gentleman, Mr. Stairs—

Mr. STAIRS. Thank you, Mr. Speaker.

The Education Committee had planned a meeting today in recess. We will do it tomorrow sometime off of the floor, but we will have an Education meeting off of the floor tomorrow.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Democratic Caucus tomorrow at 9 a.m.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. FLICK

The SPEAKER. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

The select committee on information security under HR 351 was hoping to meet with the administration tomorrow, but since we are going to be in session at 10 o'clock, that meeting will have to be rescheduled. So all members who are serving on that select committee, pay attention now and know that that meeting will have to be rescheduled, so it will not be taking place tomorrow at 10.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. COHEN

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, I was negligent to not announce there will be informal discussions up there immediately upon the call of the recess.

The SPEAKER. Are there any other announcements?

**THE SPEAKER PRO TEMPORE
(ROBERT J. FLICK) PRESIDING****BILLS REREPORTED FROM COMMITTEE**

SB 640, PN 1407

By Rep. FEESE

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

APPROPRIATIONS.

SB 736, PN 1411

By Rep. FEESE

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

APPROPRIATIONS.**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 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 Erie, Mr. Sonney.

Mr. SONNEY. Mr. Speaker, I move that this House do now recess until Thursday, December 15, 2005, at 11:20 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 11:19 a.m., e.s.t., Thursday, December 15, 2005, the House recessed.