

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, DECEMBER 15, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 79

HOUSE OF REPRESENTATIVES

The House convened at 11:20 a.m., e.s.t.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us bow our heads and go to prayer together:

Holy and eternal God, we come before You with hearts of service. Send Your spirit to stir our minds and enlighten us in the decisions we make today. As servant leaders, enable us to remove obstacles, empower us to build bridges, help us to enhance the lives of the people we serve in our Commonwealth. Be ever present in the lives of our military people. Protect them from the violence and danger found in their work. Comfort grieving families and those who await their loved one's safe return. Sustain those who may be sick and low in spirit. In the midst of pain, grant them peace, good medicine, and compassionate caregivers.

Refresh us, spirit of God. Keep us to be faithful to the trust that the people have bestowed on us to serve this State. As we begin another day of service for Your people, help us always to be grateful, gracious to one another, wise, and just. We humbly pray in the name of our Lord, who came to serve. Amen.

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 Wednesday, December 14, 2005, will be postponed until printed.

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 869, PN 1406**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1318, PN 3328**; and **HB 2041, PN 3327**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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 day for the gentleman from Lancaster, Mr. ARMSTRONG; the gentleman from Allegheny, Mr. HABAY; the gentleman from York, Mr. SMITH. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentelady from Philadelphia, Mrs. LEDERER, for the day. Without objection, that leave will be granted.

STATEMENT BY MR. THOMAS

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

Mr. THOMAS. Personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, this might or it might not be our last day of this year, but I at least wanted to start off early in extending a happy holiday to each and every one of you, and if we do conclude today, I hope that at the end of the day, that we can all look back and feel comfortable about having dealt with real property tax relief, a minimum-wage increase, and providing Philadelphia with some help in dealing with the 364 homicides that have occurred in the city of Philadelphia this year, of which 85 percent involved guns.

Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and puts the gentleman, Mr. WOJNAROSKI, on leave for the remainder of the day.

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Armstrong	Lederer	Shaner	Wojnaroski
Gruitza	Rieger	Smith, B.	Yewcic
Habay			

LEAVES ADDED—2

LaGrotta	Pallone
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LEAVES CANCELED—1

Armstrong

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 1318, PN 3328

By Rep. S. SMITH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; and further providing for nominations by political bodies, for affidavits of candidates, for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

RULES.

HB 2041, PN 3327

By Rep. S. SMITH

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for the Patient Safety Authority; reestablishing the Health Care Provider Retention Program and the Health Care Provider Retention Account; establishing the Commission on the Mcare Fund; and repealing provisions relating to the Health Care Provider Retention Program and the Health Care Provider Retention Account in the Public Welfare Code.

RULES.

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:

SB 618, PN 1359

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

SB 869, PN 1406

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

SB 1034, PN 1398

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.

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2332 By Representatives WATSON, RAYMOND, McILHINNEY, PETRI, BAKER, BALDWIN, BASTIAN, BELFANTI, BENNINGHOFF, BEYER, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CAUSER, CORNELL, COSTA, CRAHALLA, CREIGHTON, DENLINGER, DeWEESE, FABRIZIO, FREEMAN, GEIST, GILLESPIE, GINGRICH, GOOD, GOODMAN, HARHAI, HARPER, HARRIS, HASAY, HERSHEY, HESS, M. KELLER, KENNEY, KILLION, KOTIK, LEACH, LEDERER, LEH, MARKOSEK, MARSICO, MILLARD, R. MILLER, MUSTIO, O'NEILL, PETRARCA, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY, SAYLOR, SCHRODER, SEMMEL, SIPTROTH, B. SMITH, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, WANSACZ and YOUNGBLOOD

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unlawful acts and penalties.

Referred to Committee on CONSUMER AFFAIRS, December 15, 2005.

No. 2333 By Representatives SEMMEL, TIGUE, R. MILLER, BEBKO-JONES, ARMSTRONG, BELFANTI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, FICHTER, GEORGE, GINGRICH, GOODMAN, GRUCELA, HERMAN, HERSHEY, JAMES, M. KELLER, LEH, MARSICO, MYERS, O'NEILL, PAYNE, PICKETT, REICHLEY, SATHER, B. SMITH, E. Z. TAYLOR, THOMAS, WILT, YOUNGBLOOD and ZUG

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions; and providing for automatic location identification in multiline telephone systems.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 15, 2005.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 540 By Representatives HICKERNELL, TRUE, ARMSTRONG, BALDWIN, BARRAR, BOYD, BUXTON, CAPPELLI, CLYMER, CREIGHTON, DALLY, DeLUCA, DIVEN, FREEMAN, GILLESPIE, GINGRICH, GOOD, HANNA, HARRIS, HERMAN, HUTCHINSON, JAMES, M. KELLER, LEH, LEVDANSKY, MAHER, MAITLAND, MARSICO, METCALFE, S. MILLER, NAILOR, PAYNE, PETRARCA, READSHAW, REED, RUBLEY, SATHER, SAYLOR, SCAVELLO, SONNEY, STERN, TURZAI, PYLE and E. Z. TAYLOR

A Resolution expressing the disappointment of the House of Representatives on the filing of a lawsuit by certain judges in this Commonwealth to have declared unconstitutional Act 72 of 2005.

Referred to Committee on STATE GOVERNMENT, December 15, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 398, PN 1404

Referred to Committee on INSURANCE, December 15, 2005.

SB 437, PN 1306

Referred to Committee on STATE GOVERNMENT, December 15, 2005.

STATEMENT BY MR. MARKOSEK

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise for a brief unanimous consent.

The SPEAKER. The gentleman will state.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, several years ago I had the opportunity to take a tour of the Civil War battlefield at Antietam, and during that tour I became interested and informed about a program in several Southern States called the Civil War Trails program, and that Civil War Trails program is designed to drive tourism and people that are interested in the Civil War battlefields, particularly Gettysburg, along the routes of the Union and the Confederate Armies as they approached Gettysburg and then left Gettysburg after the battle.

I was told at that time that we in Pennsylvania were not a part of the Civil War Trails program, and it seemed very obvious to me that we should be a part of that program. We are essentially located and probably the most desired destination with the site of Gettysburg itself. And as a result, I looked into why we were not part of that, and it turned out that we were not part of it for numerous bureaucratic reasons.

I then made it a goal to have Pennsylvania become part of the Civil War Trails system, and since that time, I was able to get the support of the First Lady of Pennsylvania, Mrs. Midge Rendell, Judge Rendell, who helped me to put together the Civil War Consortium, and we are able now and we are happy to report that we now have what we call the “Civil War Trails: Prelude to Gettysburg” for Pennsylvania now. We have our own Web site, and it is www.pacivilwartrails.com, and it is designed, and you are going to hear more about this as time goes on, a lot of the communities that are central to the Union and Confederate troops’ movement through Pennsylvania will be involved with many, many issues and many, many celebrations.

The opening celebration was last month on November 19, the anniversary of Lincoln’s Gettysburg Address, down at Wrightsville, Pennsylvania, along the Susquehanna River, where there was a reenactment of the burning of the Wrightsville Bridge that occurred right prior to the Battle of Gettysburg.

So I am happy to report that we do have this “Civil War Trails: Prelude to Gettysburg” program now that we in Pennsylvania run, and I am sure it will garner a lot of tourism and will create a lot of interest in tourists coming here to Pennsylvania to visit our historic sites.

I would like to thank, of course, Judge Rendell for her very gracious help in this matter; Mickey Rowley and Lenwood Sloan from the department of DCED (Department of Community and Economic Development), who are very much involved; Mr. Gene Barr from the Pennsylvania Chamber of Commerce; Rina Cutler from PENNDOT; Barbara Franco from the Pennsylvania Historical and Museum Commission; as well as George Hicks and Jeb Stuart from the Harrisburg Civil War Museum; and of course, my own staff person, Stacia Ritter, who worked long and hard in helping me to put this consortium together.

So with that, I think I want the members to know that they will be hearing more and more about “Civil War Trails: Prelude to Gettysburg” throughout Pennsylvania as we start to move into the tourist season.

Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2041, PN 3327**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for the Patient Safety Authority; reestablishing the Health Care Provider Retention Program and the Health Care Provider Retention Account; establishing the Commission on the Mcare Fund; and repealing provisions relating to the Health Care Provider Retention Program and the Health Care Provider Retention Account in the Public Welfare Code.

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

The SPEAKER. It is moved by the gentleman, Mr. Nickol, 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—192

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

NAYS—0

NOT VOTING—2

Preston Ruffing

EXCUSED—9

Armstrong	Lederer	Shaner	Wojnarowski
Gruitza	Rieger	Smith, B.	Yewcic
Habay			

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2090, PN 2880**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers of director of the Pennsylvania Game Commission.

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—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Armstrong	Lederer	Shaner	Wojnarowski
Gruitza	Rieger	Smith, B.	Yewcic
Habay			

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

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

* * *

The House proceeded to third consideration of **SB 736, PN 1411**, entitled:

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.

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—194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Armstrong	Lederer	Shaner	Wojnaroski
Gruitza	Rieger	Smith, B.	Yewcic
Habay			

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

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

* * *

The House proceeded to third consideration of **SB 394, PN 1400**, entitled:

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

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-194

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Armstrong	Lederer	Shaner	Wojnaroski
Gruitza	Rieger	Smith, B.	Yewcic
Habay			

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

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

RECESS

The SPEAKER. This House is in recess to the call of the Chair.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. ROEBUCK called up **HR 541, PN 3330**, entitled:

A Resolution designating the month of January 2006 as “Financial Aid Awareness Month” and commending the work of the Pennsylvania Higher Education Assistance Agency and the Pennsylvania Association of Student Financial Aid Administrators.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Gruitza	Pallone	Shaner	Wojnaroski
Habay	Rieger	Smith, B.	Yewcic
Lederer			

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

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 2041, PN 3327

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for the Patient Safety Authority; reestablishing the Health Care Provider Retention Program and the Health Care Provider Retention Account; establishing the Commission on the Mcare Fund; and repealing provisions relating to the Health Care Provider Retention Program and the Health Care Provider Retention Account in the Public Welfare Code.

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

The SPEAKER. The House will be at ease.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith, for the purpose of a meeting.

Mr. S. SMITH. Mr. Speaker, there will be a meeting of the Appropriations Committee immediately over in the Appropriations complex.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will have an immediate meeting in the Appropriations complex.

The House will stand at ease.

RECESS

The SPEAKER. The regular House session is in recess to the call of the Chair.

AFTER RECESS

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

RESOLUTION REPORTED FROM COMMITTEE

HR 537, PN 3301 By Rep. FEESE

A Resolution establishing a select committee to investigate alleged illegal rebating practices relating to the sale of cigarettes in this Commonwealth, to analyze the current system of enforcement of laws relating to such illegal activities and to make recommendations for the orderly and legal enforcement of laws relating to this practice.

APPROPRIATIONS.

BILL REREPORTED FROM COMMITTEE

HB 1618, PN 3306 By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for participation in graduation ceremony.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mr. FEESE called up **HR 537, PN 3301**, entitled:

A Resolution establishing a select committee to investigate alleged illegal rebating practices relating to the sale of cigarettes in this Commonwealth, to analyze the current system of enforcement of laws relating to such illegal activities and to make recommendations for the orderly and legal enforcement of laws relating to this practice.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Evans, J.	Levdansky	Rooney
Allen	Fabrizio	Mackereth	Ross
Argall	Fairchild	Maher	Rubley
Armstrong	Feese	Maitland	Ruffing
Baker	Fichter	Major	Sainato
Baldwin	Fleagle	Manderino	Samuelson
Barrar	Flick	Mann	Santoni
Bastian	Forcier	Markosek	Sather
Bebko-Jones	Frankel	Marsico	Saylor
Belardi	Freeman	McCall	Scavello
Belfanti	Gabig	McGeehan	Schroder
Benninghoff	Gannon	McGill	Semmel
Beyer	Geist	McIlhattan	Shapiro
Biancucci	George	McIlhinney	Siptroth

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

NAYS—0

NOT VOTING—1

Staback

EXCUSED—9

Gruitza	Pallone	Shaner	Wojnaroski
Habay	Rieger	Smith, B.	Yewcic
Lederer			

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 854, PN 1231**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in personal income tax, for medical and health savings accounts; and repealing provisions relating to taxation of medical and health savings accounts.

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

MOTION TO SUSPEND RULES

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

Mr. SCAVELLO. Mr. Speaker, I move for an immediate suspension of the rules in order to vote amendment 5336 to SB 854, PN 1231.

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

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

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

Mr. DeWEESE. Just a 60-second stop so we can ascertain what exactly is being voted on. I apologize.

Thank you, Mr. Speaker.

The SPEAKER. It is a suspension of the rules for amendment A5336.

Mr. DeWEESE. I am told by my colleagues that the amendment is not on the screen at this moment.

Mr. Speaker, this would not be the same amendment that a Republican staff person just dropped off at the amendment desk 2 or 3 minutes ago or would it?

The SPEAKER. The Chair was told that the amendment was on the screen. We are checking that. We are checking the first question right now, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. The Parliamentarian has indicated it is on the system now. It was a technical glitch.

The gentleman, Mr. DeWeese, on suspension. Mr. DeWeese, on the suspension.

Mr. DeWEESE. Thank you, Mr. Speaker.

A debate might be momentarily premature. I see a small conclave around the majority leader's desk. I am not specifically aware of what the gentleman, Mr. Scavello, is attempting to do. The proposal is over 140 pages in length. This is certainly not a technical amendment, and in sidebar conversations there was an element of tentativeness on the part of some of my Republican friends.

I would like to keep the microphone open and react to the other side of the aisle. I do not know exactly what is going to be forthcoming, but this certainly should not be a nonchalant or casual moment. This is at the heart of the property tax debate, and even the scheduling of our process has some degree of confusion about it, and I accept that. The snow and the season and the challenges are all amalgamating to make for a very difficult day.

But I do not know exactly whether Mr. Scavello wants to suspend the rules, whether his colleagues want to suspend the rules. This is a massive undertaking, and yet it has substantial elements of worth. There is a degree of agreement among many of us that some sales tax and some personal income tax should take the place of property tax, and if my recollection serves me correctly, Mr. Scavello's effort the other night was the most successful of all of the amendments. He had a bipartisan, a bipartisan coalition.

So I would like to debate and discuss this. I just do not want it to be in a pell-mell fashion. We have snow accumulating at Sidling Hill and Bedford, and Somerset is white once again. We may linger here. In fact, many of us think we should get our

job done in the next day or two or three and then break for Christmas. We have lots of work ahead of us, and I am very, very anxious to engage with the gentleman, the honorable gentleman, Mr. Scavello, as he takes his effort forward.

So I am not going to make a final comment, but I will relinquish the microphone and see whether the majority leader or his designee would like to offer us some enlightenment as to what the process holds for us next.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the— Does the gentleman, Mr. Scavello, seek recognition? The gentleman is in order. Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

After hearing the minority leader from Greene, the gentleman from Greene County, I do agree. I think we do have a product that we can work with in a bipartisan fashion, but I also think that we need some time to sit down and to work out the details, and I would like to pull this motion to suspend the rules today.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER. SB 854 is over for the day.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1618, PN 3306**, 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 participation in graduation ceremony.

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

RULES SUSPENDED

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

Mr. FAIRCHILD. Mr. Speaker, I move that the rules of the House be suspended for the immediate consideration of amendment 5321.

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

The SPEAKER. On that question, those in favor of the suspension—

Mr. DeWEESE. Mr. Speaker, just one moment for a brief explanation from the Republican side of the aisle.

The SPEAKER. The gentleman, Mr. Fairchild, is recognized.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

What this amendment does is essentially kind of dedicate or name the bill for a student in the Selinsgrove Area School District who has special needs. She is a special student.

She has worked for the raising of funds. She has raised over \$2,000 for the Kids Care Network, and she is a special person, her family are special people, and there has been an extraordinary amount of support for this person from my local district.

The SPEAKER. Mr. DeWeese.

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

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Gruitza	Pallone	Shaner	Wojnaroski
Habay	Rieger	Smith, B.	Yewcic
Lederer			

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. FAIRCHILD offered the following amendment No. **A05321:**

Amend Bill, page 1, by inserting between lines 6 and 7

The General Assembly hereby declares its intention to enact a version of Ashley's Law in this Commonwealth to put into effect the findings of the General Assembly.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Roberts	
Ellis	Leh	Roebuck	Perzel,
Evans, D.	Lescovitz	Rohrer	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Gruitza	Pallone	Shaner	Wojnaroski
Habay	Rieger	Smith, B.	Yewic
Lederer			

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

On the question,

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

The SPEAKER. Mr. Petrarca, we have a certificate filed for a late amendment but we do not have the amendment. Does the gentleman have that amendment?

Mr. PETRARCA. Thank you, Mr. Speaker.

I do not have that amendment. I do have the certificate. The Legislative Reference Bureau is in the process of having that amendment sent down any moment. I would ask if we could go over the bill until that amendment is delivered to the floor.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will go over the bill temporarily.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 862, PN 1319**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. GANNON offered the following amendment No. **A05288**:

Amend Title, page 1, lines 1 through 18, by striking out all of said lines and inserting

Amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for definitions, for the Pennsylvania Gaming Control Board, for general and specific powers, for license or permit application hearing process, for transfers from the State Gaming Fund and for public official financial interests.

Amend Bill, page 1, lines 21 through 24; pages 2 through 55, lines 1 through 30; page 56, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "affiliate" or "affiliated company," "applicant" and "controlling interest" in section 1103 of Title 4 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 1103. Definitions.

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

"Affiliate[" or "affiliated company]," "affiliate of" or "person affiliated with." A person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person.

"Applicant." Any person[, officer, director or key employee], who on his own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under the provisions of this part. In cases in which the applicant is a [corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited partnership, association or any other form of legal business entity,] person other than an individual, the Pennsylvania Gaming Control Board shall determine the associated persons whose qualifications are necessary as a precondition to the licensing of the applicant.

* * *

"Complimentary service or item." Any lodging, service or item provided to an individual at no cost or at a reduced cost not generally available to the public under similar circumstances.

"Controlling interest." A person shall be deemed to have [the ability to control a publicly traded corporation, or to elect] a controlling interest in an entity if the person's sole voting rights, as provided by applicable State law or corporate articles or bylaws, entitle the person to elect or appoint one or more of the members of its board of directors[, if such holder] or other governing body or if the person owns or beneficially holds 5% or more of the securities of [such] a publicly traded domestic or foreign corporation[,] or holds 5% or more ownership or voting interest in a partnership, limited liability company or any other form of legal entity, unless such presumption of control or ability to elect is rebutted by clear and convincing evidence. A person who is a holder of securities of a privately held domestic or foreign corporation, partnership, limited liability company or any other form of legal entity shall be deemed to possess a controlling interest unless such presumption of control is rebutted by clear and convincing evidence.

* * *

"Corporation." Includes a publicly traded corporation.

* * *

"Holding company." A person, other than an individual person, which, directly or indirectly, owns, has the power or right to control or to vote any significant part of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has, holds or owns any such power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

* * *

“Intermediary.” A person, other than an individual, which:

(1) is a holding company with respect to a corporation or other form of business organization which holds or applies for a license under this part; and

(2) is a subsidiary with respect to any holding company.

* * *

“Publicly traded corporation.” An entity that:

(1) has a class or series of securities registered under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a et seq.);

(2) is a registered management company under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.); or

(3) is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.).

* * *

“Subsidiary.” The term shall include:

(1) a corporation, any significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company; or

(2) a significant interest in a person, other than a natural person, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

* * *

“Underwriter.” As defined in the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972.

Section 1.1. The heading of section 1201 of Title 4 is amended and the section is amended by adding subsections to read: § 1201. Pennsylvania Gaming Control Board [established].

* * *

(h.1) Fiduciary relationship.—A member or employee of the board shall serve as a fiduciary of the Commonwealth.

(h.2) Standard of care.—The members of the board shall exercise the standard of care required by 20 Pa.C.S. Ch. 73 (relating to municipalities investments) in the performance of their duties under this part.

(h.3) Liability.—Members of the board shall not be personally liable for any obligations of the board.

* * *

Section 2. Section 1202(b) of Title 4 is amended by adding a paragraph to read:

§ 1202. General and specific powers.

* * *

(b) Specific powers.—The board shall have the specific power and duty:

* * *

(19) To publish each January in the Pennsylvania Bulletin and on the board’s Internet website a complete list of all persons or entities that applied for or held a slot machine license, manufacturer license, supplier license or racetrack license at any time during the preceding calendar year and all affiliates, intermediaries, subsidiaries and holding companies thereof and the status of the application or license.

Section 3. Sections 1205, 1408 and 1512 of Title 4 are amended to read:

§ 1205. License or permit application hearing process.

The board’s consideration and resolution of all license or permit applications shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure) and with procedures adopted by order of the board. Notwithstanding [the mandates of] 2 Pa.C.S. §§ 504 (relating to hearing and record) and 505 (relating to evidence and cross-examination), [said] the procedures adopted by [order of] the board shall provide parties before it with a documentary hearing, but

the board may[, at its discretion,] resolve disputed material facts without conducting an oral hearing where constitutionally permissible.

§ 1408. Transfers from State Gaming Fund.

(a) Transfer for compulsive problem gambling treatment.—Each year, the sum of \$1,500,000 or an amount equal to .001 multiplied by the total gross terminal revenue of all active and operating licensed gaming entities, whichever is greater, shall be transferred into the Compulsive Problem Gambling Treatment Fund established in section 1509 (relating to compulsive and problem gambling program).

(b) Transfer for Volunteer Fire Company Grant Program.—Annually, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the Volunteer Fire Company Grant Program established under the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(c) Local law enforcement grants.—Annually, the sum of \$5,000,000 shall be transferred to the board for the purpose of issuing grants to local law enforcement agencies to enforce and prevent the unlawful operation of slot machines in this Commonwealth.

(c.1) Transfer for victims of domestic violence.—Each year the sum of \$3,500,000 shall be transferred from the fund to the Department of Public Welfare to be used for domestic violence programs.

(d) Annual transfers.—Annually, the following sums shall be transferred from the State Gaming Fund as follows:

(1) To each county, 80¢ per acre for each acre of land in the county for which a payment is made under the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, or under 34 Pa.C.S. § 708 (relating to payments in lieu of taxes).

(2) To each school district, 80¢ per acre for each acre of land in the school district for which a payment is made under the Forest Reserves Municipal Financial Relief Law or under 34 Pa.C.S. § 708.

(3) To each township, 80¢ per acre for each acre of land in the township for which a payment is made under the Forest Reserves Municipal Financial Relief Law or under 34 Pa.C.S. § 708.

(e) Transfer to Property Tax Relief Fund.—Monthly, the State Treasurer shall transfer the remaining balance in the State Gaming Fund which is not allocated in subsections (a), (b), (c), (c.1) and (d) to the Property Tax Relief Fund established in section 1409 (relating to Property Tax Relief Fund).

§ 1512. [Public official financial interest.] Financial interests, complimentary services and discounts.

[(a) General rule.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level State employee, public official, party officer or immediate family member thereof shall have, at or following the effective date of this part, a financial interest in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company, thereof, or any such applicant, nor solicit or accept, directly or indirectly, any complimentary service or discount from any licensed racing entity or licensed gaming entity which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances during his or her status as an executive-level State employee, public official or party officer and for one year following termination of the person’s status as an executive-level State employee, public official or party officer.]

(a) Financial interests.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, an executive-level public employee, public official or party officer, or an immediate family member thereof, shall not intentionally or knowingly hold a financial interest in an applicant or a slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity, or in a holding company, affiliate, intermediary or subsidiary thereof, while the individual is an executive-level public employee, public official or party officer and for one year following termination of the individual’s

status as an executive-level public employee, public official or party officer.

(a.1) Employment.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level public employee, public official or party officer, or an immediate family member thereof, shall be employed by an applicant or a slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity, or by any holding company, affiliate, intermediary or subsidiary thereof, while the individual is an executive-level public employee, public official or party officer and for one year following termination of the individual's status as an executive-level public employee, public official or party officer.

(a.2) Complimentary services and discounts.—

(1) No executive-level public employee, public official or party officer, or an immediate family member thereof, shall solicit or accept, any complimentary service or discount from an applicant or a slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity, or from any affiliate, intermediary, subsidiary or holding company thereof, which the executive-level public employee, public official or party officer, or an immediate family member thereof, knows or has reason to know is other than a service or discount which is offered to members of the general public in like circumstances.

(2) No applicant, slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity, or any affiliate, intermediary, subsidiary or holding company thereof, shall offer or deliver to an executive-level public employee, public official or party officer, or an immediate family member thereof, any complimentary service or discount from the applicant or slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity, or an affiliate, intermediary, subsidiary or holding company thereof, that the applicant or slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity, or any affiliate, intermediary, subsidiary or holding company thereof, knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances.

(a.3) Grading.—An individual who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(a.4) Divestiture.—An executive-level public employee, public official or party officer, or an immediate family member thereof, who holds a financial interest prohibited by this section shall divest the financial interest within three months of the effective date of the restrictions set forth in subsection (a), as applicable. Thereafter, any executive-level public employee, public official, party officer or immediate family member shall have 30 days from the date the individual knew or had reason to know of the violation or 30 days from the annual publication in the Pennsylvania Bulletin under § 1202(b)(19) (relating to general and specific powers), whichever occurs earlier.

(a.5) Ethics Commission.—The Ethics Commission shall publish a list of all State, county, municipal and other government positions that meet the definitions of “public official” or “executive-level public employee” under subsection (b). The Office of Administration shall assist the Ethics Commission in the development of the list, which shall be published in the Pennsylvania Bulletin biennially and on the board's website. Each public official shall have a duty to provide the Ethics Commission with adequate information to accurately develop and maintain the list. The Ethics Commission may impose a civil penalty under 65 Pa.C.S. § 1109(f) (relating to penalties) upon any public official or executive-level public employee who fails to cooperate with the Ethics Commission under this subsection.

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

“Executive-level [State] public employee.” The Governor, Lieutenant Governor, cabinet members, deputy secretaries[,] and the

Governor's office executive staff[, any State employee]. The term includes any other Commonwealth employee in the executive branch with discretionary powers which may affect or influence the outcome of a State agency's [decision in relation to a private corporation or business, with respect to any matter covered by this part or any executive employee who by virtue of his job function could influence the outcome of such a decision.] action or decision relating to any matter under this part. The term also shall include an employee of a county, municipality, authority, commission or other local governmental entity with discretionary powers which may affect or influence the outcome of an action or decision relating to a slot machine licensee or any matter under this part.

“Financial interest.” Owning or holding, or being deemed to hold, debt or equity securities [exceeding 1% of the equity or fair market value of the licensed racing entity or licensed gaming entity, its holding company, affiliate, intermediary or subsidiary business.] or other ownership interest or profits interest. A financial interest shall not include any [such stock that is held in a blind trust over which the executive-level State employee, public official, party officer or immediate family member thereof may not exercise any managerial control or receive income during the tenure of office and the period under subsection (a).] debt or equity security, or other ownership interest or profits interest, which is held or deemed to be held in any of the following:

(1) A blind trust over which the executive-level public employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control or receive income therefrom during the tenure of office and the period under subsection (a).

(2) Securities that are held in a pension plan, profit-sharing plan, individual retirement account, tax sheltered annuity, a plan established pursuant to section 457 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), or any successor provision, deferred compensation plan whether qualified or not qualified under the Internal Revenue Code of 1986, or any successor provision, or other retirement plan that:

(i) is not self-directed by the individual; and

(ii) is advised by an independent investment adviser who has sole authority to make investment decisions with respect to contributions made by the individual to these plans.

(3) A tuition account plan organized and operated pursuant to section 529 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 529) that is not self-directed by the individual.

(4) A mutual fund where the interest owned by the mutual fund in a licensed entity does not constitute a controlling interest as defined in this part.

(5) Any other investment over which the executive-level public employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

“Immediate family.” A [parent,] spouse, minor child or unemancipated child[, brother or sister].

“Law enforcement authority.” The term shall include the authority of a State or local police force, the Attorney General or a district attorney.

“Party officer.” A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee in which a licensed facility is located; or a city chairman, vice chairman, counsel, secretary or treasurer of a city committee of a city in which a licensed facility is located.

“Public official.” Any person elected by the public or elected or appointed by a governmental body or an appointed official in the

executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the Commonwealth or any political subdivision or commissioner of any authority or joint-state commission.]

“Public official.” The term shall include the following:

(1) The Governor, Lieutenant Governor, Treasurer, Auditor General and Attorney General of the Commonwealth.

(2) A member of the Senate or House of Representatives of the Commonwealth.

(3) An individual elected to any office of a county or municipality that receives a distribution of money or revenue under this part.

(4) An executive-level public employee of a county or municipality that receives a distribution of money or revenue under this part.

(5) An individual elected or appointed to a governmental body that receives a distribution of money or revenue under this part.

(6) An executive-level public employee of a department, agency, board, commission, authority or other governmental body that receives a distribution of money or revenue under this part.

(7) An individual elected or appointed to a department, agency, board, commission, authority or other governmental body that possesses regulatory or law enforcement authority over a licensed entity.

(8) An executive-level public employee of a department, agency, board, commission, authority or other governmental body that possesses regulatory or law enforcement authority over a licensed entity.

The term does not include a member of a school board. The term includes a member of an advisory board or commission which makes recommendations relating to a licensed facility.

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

BILL PASSED OVER TEMPORARILY

The SPEAKER. On that question, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

The subject matter of this amendment and legislation deals with concerns involving the gaming industry and is not a matter that we have caucused on, and I would ask that this bill be temporarily over until we have at least caucused on the subject.

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

Mr. MARSICO. Yes, Mr. Speaker. I concur with the Representative from Allegheny County that this bill has not been caucused on, and I would appreciate if we would do that. Thank you.

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B CONTINUED

CONSIDERATION OF HB 1618 CONTINUED

The SPEAKER. The Chair returns back to the last bill of the day, HB 1618, PN 3306.

The Fairchild amendment was adopted.

On the question recurring,

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

MOTION TO SUSPEND RULES

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

Mr. PETRARCA. Mr. Speaker, I move for a suspension of the rules for the immediate consideration of my amendment, which is amendment 5326.

On the question,

Will the House agree to the motion?

The SPEAKER. On the suspension of the rules, the Chair would recognize the majority leader on the suspension of the rules for the Petrarca amendment. Mr. Smith, on the suspension of the rules for the Petrarca amendment.

Mr. S. SMITH. Mr. Speaker, as I understand it, this amendment, while it may be good, it does have some sense of controversy to it. It has to do with borrowing materials from school districts and libraries with kids that are homeschooled, and it is something that I am not sure that we were aware of.

I am afraid, Mr. Speaker, I would have to ask the members to oppose the motion to suspend the rules, just because this is something that I am not sure had been considered previously or had been discussed.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. I would defer to the gentleman, Mr. Petrarca, on this issue.

The SPEAKER. The gentleman, Mr. Petrarca, is recognized.

Mr. PETRARCA. Thank you, Mr. Speaker.

What I am asking for is a suspension of the rules that will allow this amendment to run and hopefully pass, that will allow schoolchildren to have access to school district libraries. A few weeks ago we passed an amendment to allow homeschooled children access to extracurricular activities. What this amendment would do is it would allow those same homeschooled children access to public school libraries at times and dates set by the public schools themselves.

What this amendment does, it is an attempt to get schoolchildren, homeschooled children, into libraries. I feel that opposing this amendment, again, is opposing the idea of homeschooled children being put into school libraries.

I ask you to support the motion to suspend. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—117

Armstrong	Dermody	Killion	Rooney
Baker	DeWeese	Kirkland	Ruffing
Baldwin	DiGirolamo	Kotik	Sainato
Barrar	Donatucci	LaGrotta	Samuelson
Bastian	Eachus	Leach	Santoni
Bebko-Jones	Ellis	Lescovitz	Scavello
Belardi	Evans, D.	Levdansky	Shapiro
Belfanti	Fabrizio	Manderino	Sipthoth

Benninghoff	Fleagle	Mann	Solobay
Beyer	Flick	Markosek	Staback
Biancucci	Frankel	McCall	Stairs
Bishop	Freeman	McGeehan	Steil
Blackwell	Gabig	Melio	Stetler
Blaum	Gannon	Metcalfe	Sturla
Boyd	George	Miller, S.	Surra
Butkovitz	Gerber	Mundy	Tangretti
Buxton	Gergely	Myers	Thomas
Caltagirone	Goodman	Oliver	Tigue
Casorio	Grucela	Parker	True
Cawley	Haluska	Petrarca	Veon
Clymer	Hanna	Petrone	Vitali
Cohen	Harhai	Pistella	Walko
Corrigan	Hennessey	Preston	Wansacz
Costa	Hickernell	Ramaley	Wheatley
Creighton	James	Readshaw	Williams
Cruz	Josephs	Reed	Wright
Curry	Kauffman	Roberts	Youngblood
Daley	Keller, M.	Roebuck	Yudichak
DeLuca	Keller, W.	Rohrer	
Denlinger			

NAYS—77

Adolph	Godshall	McIlhinney	Rubley
Allen	Good	McNaughton	Sather
Argall	Grell	Micozzie	Saylor
Birmelin	Harhart	Millard	Schroder
Bunt	Harper	Miller, R.	Semmel
Cappelli	Harris	Mustio	Smith, S. H.
Causer	Hasay	Nailor	Sonney
Civera	Herman	Nickol	Stern
Cornell	Hershey	O'Brien	Stevenson, R.
Crahalla	Hess	O'Neill	Stevenson, T.
Dally	Hutchinson	Payne	Taylor, E. Z.
Diven	Kenney	Petri	Taylor, J.
Evans, J.	Leh	Phillips	Turzai
Fairchild	Mackereth	Pickett	Watson
Feese	Maher	Pyle	Wilt
Fichter	Maitland	Quigley	Zug
Forcier	Major	Rapp	
Geist	Marsico	Raymond	
Gillespie	McGill	Reichley	Perzel,
Gingrich	McIlhatten	Ross	Speaker

NOT VOTING—0

EXCUSED—9

Gruitza	Pallone	Shaner	Wojnaroski
Habay	Rieger	Smith, B.	Yewcic
Lederer			

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Gruitza	Pallone	Shaner	Wojnaroski
Habay	Rieger	Smith, B.	Yewcic
Lederer			

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.

HOUSE SCHEDULE

The SPEAKER. It is highly likely that we will be in session either Monday or Tuesday of next week. The Chair will inform the membership as soon as we have an exact time of which day we will be here.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. If there are no further announcements—The gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, just a very polite entreaty to my colleague, the majority leader.

We have had some success, in my view, and made some progress on a seemingly intractable property tax debate. The Scavello language is the nub of an eventual compromise, at least I believe forthcoming from this chamber, and that is heartening. The Committee of the Whole experiment, novel though it was, I think worked well, and the bipartisanship has been augmented substantially. Many of us have good personal rapport that crosses the aisle, but it seldom manifests itself with a work product. I feel that we are making incremental progress toward property tax reform, and the reason we are is because of the fundamental bipartisan structure that we are developing.

My second and final observation would be that a minimum-wage bill has been emitted from the Labor Relations Committee, and there are 30 or 40 Republicans that historically have voted for a minimum wage. Well, I think that I can asseverate that all of us on this side of the aisle will join our Governor and vote for minimum wage next week. I would just like to proffer the idea that this wonderful bipartisan spirit, this seasonal amity that has been generated and sustained, might be remanifest next week with a favorable vote on the minimum wage, and I would supplicate, supplicate, supplicate, entreat, entreat, entreat with the honorable gentleman from Jefferson to perpetuate that bipartisan rapport and bring up a minimum-wage bill for Pennsylvania right prior to the yuletide season.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the gentleman, Mr. LaGROTTA, will be placed on leave for the remainder of the day.

ANNOUNCEMENT BY MR. COHEN

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce that there will be informal discussions in the Democratic caucus room immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE MEETING POSTPONED

The SPEAKER. The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

The Tourism Committee meeting that was going to be called for the recess is going to be held off, postponed, until next week. We will run it next week off the floor. Thank you.

The SPEAKER. The Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

Upon the final recess, there will be a meeting of the Education Committee, which we were in recess from a previous day. So we will be meeting in room 205 of the Ryan Building; 205 Ryan, Education.

The SPEAKER. The Education Committee will meet in room 205 of the Ryan Building at the recess.

STATEMENT BY MR. BELFANTI

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, a point of personal privilege and then a parliamentary inquiry.

The SPEAKER. The gentleman will state and then ask.

Mr. BELFANTI. Thank you, Mr. Speaker.

For the second time today the minority leader referred to the Scavello amendment as being the nub or the hub of our property tax reform efforts, and as I recall, the Reed amendment had an equal number of supporters, and in fact, I believe if the Reed amendment would have run first, the Scavello amendment would not have received as many tallied votes.

PARLIAMENTARY INQUIRY

Mr. BELFANTI. In any case, Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, I understand that there is a provision in the State Constitution that allows for a constitutional amendment in an emergency manner to be adopted by the citizens of the Commonwealth without the necessary two sessions of the General Assembly and the ballot provision, and I am just trying to – I just heard about this earlier today – I am trying to determine whether or not, if the Governor would discern that this property tax effort could be declared an emergency, would it be possible for us to eliminate the homestead exemption 50-percent cutoff and allow that to rise to 100 percent, so that at some juncture in the next week or so we could completely eliminate property taxes for residential homeowners or homesteaders and leave the business tax structure the way it is presently?

Is there an abbreviated mechanism whereby we can constitutionally amend the Constitution to allow for that homestead exemption to rise to the level of 100 percent so that we could place the question on the ballot this spring and totally eliminate property taxes for all Pennsylvania citizens, at least their primary residences?

The SPEAKER. The gentleman is correct. There is an emergency procedure. Article XI, section 1, paragraph (a):

“In the event a major emergency threatens or is about to threaten the Commonwealth and...the safety or welfare of the Commonwealth...” then that would prevail. I know that it is a problem and I know that the people of Pennsylvania are looking for an answer, but I do not know if it rises to threatening the safety or welfare of the people of the Commonwealth.

Mr. BELFANTI. Thank you, Mr. Speaker.

I know it threatens the welfare of my constituents. Thank you.

The SPEAKER. It is the opinion of the Parliamentarian that it could still be drafted, and it would be left to the body as to whether or not that were so – and ultimately the courts.

Are there any further announcements?

RECESS

The SPEAKER. This House is in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grell, from Cumberland County.

Mr. GRELL. Mr. Speaker, I move that this House do now recess until Tuesday, December 20, 2005, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 a.m., e.s.t., Tuesday, December 20, 2005, the House recessed.